INDEX INTERPOLATIONUM

QUAE IN IUSTINIANI DIGESTIS
INESSE DICUNTUR

EDITIONEM A LUDOVICO MITTEIS INCHOATAM
AB ALIIS VIRIS DOCTIS PERFECTAM

CURAVERUNT

ERNESTUS LEVY　　　　ERNESTUS RABEL

TOMUS I

AD LIBROS DIGESTORUM I—XX PERTINENS

WEIMAR
HERMANN BÖHLAUS NACHFOLGER
1929

PRAEFATIO

Anno 1909 in Ephemeridis Instituti Savigniani Sectionis Romanae volumine XXX pag. 5sqq. Ludwig Mitteis una cum E. I. Bekker omnes viros doctos qui iuri legibusque Romanorum studerent publice rogavit, ut quae de interpolationibus Corporis Iuris Iustiniani suspicati essent ex ipsorum operibus desumpta sibi mitterent. Quamquam non omnes viri docti studio iurisprudentiae Romanae dediti huic rogationi obsecuti sunt — ceterum iuvenes quidam defunctorum operibus quae ad istam rem pertinerent excerpendis operam navaverunt —, tamen Mitteis in ephemeridis supra scriptae voluminibus XXXI (1910) pag. VI sqq. et XXXII (1911) pag. VII sqq. hanc collectionem feliciter progredi referre potuit. Quae in libris posthac editis de interpolationibus proferebantur, ea Lipsiae excerpta et in schedis conscripta sunt cum ab aliis discipulis Mitteisii tum ab Hans Peters qui, postquam autumno anni 1909 promovendi causa Lipsiam venit, inde ab hoc tempore usque ad bellum, in quo pro patria pugnans morte occubuit, maiorem omnium laborum partem subiit.

Ad materiam celerius colligendam tractandamque Mitteis mense Februario anni 1912 nonnullos Germaniae prudentes, qui iuri Romano operam dabant, oravit, ut singuli binorum Digestorum Institutionumque librorum schedas in ordinem redigendas susciperent. Tales schedarum collectiones factae atque Lipsiam missae sunt ab

O Gradenwitz ad Digestorum libros	*31. 32*
P Koschaker	*14. 15*
B Kübler	*40. 46*
O Lenel	*38. 39*
H Lewald	*32. 33*
R v Mayr	*18. 19*
J Partsch	*41. 43*
H Peters	*6. 7. 26*
I Pfaff	*34. 35*
H Siber	*12. 13*
A Simonius	*3. 4*
F Sommer	*1. 2. 5. 8. 9*
E Weiß	*16. 17*
L Wenger	*10. 11*
M Wlassak	*44. 45*

Aestate anni 1912 Mitteis in morbum incidit. Postquam vere anni 1913 Lipsiam revertit, primus Indicis fasciculus, qui priores decem Digestorum libros comprehendere debebat sed tunc temporis solum ad finem libri noni perferebatur, typis expressus est. Horum igitur novem librorum, qui nunc una cum libris X—XX in primo Indicis volumine eduntur, editores appellandi sunt Mitteis et Peters. Durante bello collectio schedarum a Friderico Ebrard

suppleta est; qua nisus post bellum Andreas B. Schwarz ab aliis adiutus Supplementum Fasciculi I parandum curavit. Haec omnia Lipsiae facta sunt.

Joseph Partsch, qui Ludovico Mitteis mense Decembri anni 1921 mortuo Ephemeridis Instituti Savigniani Sectionem Romanam redigendam susceperat, rationem Indicis perficiendi ita immutavit, ut et Berolini secretariatus institueretur materiae gnave supplendae causa et singuli professores, qui in Universitatibus Imperii Germanici Iurisprudentiam Romanam docerent, singulorum librorum Digestorum excerpta non solum ut adhuc colligenda sed etiam augenda ac redigenda susciperent. Inde in Secretariatu Berolinensi cum W Rechnitz G Eißer E H Kaden W Kunkel tum usque ad hunc diem I Stutz opera in eam rem indefesse collata officium strenue praestiterunt.

Cum Partsch quoque praematura morte anno 1925 nobis ereptus esset, per breve tempus Otto Gradenwitz et Ernst Levy Secretariatui Berolinensi praeerant. Dum inde ab anno 1926 id munus mihi curandum erat, Ernst Levy Indicem forti auxilio coadiuvavit et manuscripta multis additamentis amplificavit.

Summam laudem in Indice praeparando omnibus temporibus Otto Lenel meruit.

Opus a professoribus de quibus supra diximus susceptum multum tempus magnumque laborem desiderabat. Manuscriptis missis nova necessitas obvenit. Cum excerpta, quae ex primo Mitteisii consilio ab auctoribus ipsis olim Lipsiam missa erant, operi conficiendo omnino non sufficerent, ii, qui singulos libros Digestorum curandos susceperant, pro suis quisque viribus ex reliquis libris alias observationes contulerant. Ita factum est ut, cum singulae Indicis partes consilio ac ratione editorum inter se differrent neque aequali modo totam materiam comprehenderent, opus lacunis foedatum quam copiosissime augendum ac supplendum esset. Quod eo erat difficilius, quod editione tam diu dilata non ex re videbatur esse omnium nationum prudentes iterata adire rogatione. Tamen Index patientia et fide sociorum huius operis sustentatus est. Neque benevolentia pecuniaque defuit. Ante bellum enim Mitteis ab Academiis scientiarum Lipsiensi et Vindobonensi subsidia acceperat. Deinde novissimis his annis ad opus continuandum a societate quae appellatur „Notgemeinschaft der Deutschen Wissenschaft" et ab Academiis Berolinensi et Lipsiensi eximia liberalitate adiuti sumus. Cum illustribus his societatibus meritas agamus debitasque gratias, non dubitamus, quin quicumque antiquarum rerum scientiae student ac favent nobiscum consentiant.

Denique bene accidit, quod in Secretariatu Berolinensi continuae et singulari diligentiae Irmingardae Stutz, nunc nuptae Gustavo Jahn, ultimo anno virtus et scientia iurisconsulti Helvetici Pauli Pfister subveniebat, quorum communi labore manuscripta ita redacta emendata aucta sunt ut per tam breve tempus rectissime fieri licebat.

Consilium huius Indicis edendi qua ratione ortum atque variatum sit quoque modo opus ipsum paulatim creverit, supra adumbravimus non eo tantum consilio, ut viris doctis qui Indici operam navaverunt et illustribus societatibus quarum favore et auxilio adiutus est meritae gratiae agerentur, sed etiam, ut cognosceretur, quibus in perficiendo difficultatibus consilium in nascendo tam simplex implicaretur. Excelsae memoriae viris Peters Mitteis Partsch praematura morte nobis ereptis, communione litterarum inter nationes bello intercisa, facultate libros ceterarum nationum adhibendi plerumque adempta editio Indicis in annos dilata est atque ipsa haec mora etiam atque etiam manuscripta retractare, retractata augere cogebat. Etsi hodie collectionem, quae ad primos viginti libros Digestorum pertinet, edimus, tamen multum abest, ut materiam exhaustam esse contendamus. His annis iterum iterumque et lacunas et mendas repperimus nec non dum typi exprimuntur novas indagare pergimus. Qui hac de causa diligentiam operis reprehendat, tamen veniam auctoribus huius operis det, cum scriptores ipsos in suis libris excerpendis errore lapsos esse non raro invenerimus.

Cum ratio locos afferendi per longum tempus paulatim mutaretur ac corrigeretur, novae Indicis partes (libri X—XX et Supplementum I) breviore forma utuntur quam pars anno 1913 typis expressa (libri I—IX) neque numquam accidit, ut abbreviaturae et sigla inter se non congruant. Vulgarem consuetudinem secuti in numero interpolationum omnes habuimus textus immutationes, quas non calami lapsu ortas esse perspicuum sit. Glossae igitur Indici inserendae erant. Inter eas autem non nisi perraro anteiustinianae a postiustinianis discernuntur, quippe quas novissimi demum auctores distinguant. Coniecturas quas auctores ad scripturam codicum emendandam protulerunt, consilio omisimus, sed paucas quasdam emendationes, etsi interdum non adeo ad interpolationem disceptandam pertinere viderentur, nonnullis editoribus concedendas esse putavimus.

Quae nunc prodit pars Indicis continet quod cuique viro docto de singulis verbis loci cuiusdam Digestorum visum est. Haec forma a prioribus editoribus constituta immutari non poterat, quamvis magni inde exsisterent labores nec non raro fieri posset, ut propter dubium sermonem scriptoris sententia ab editoribus non satis intellegeretur. Quo ordine Indicis certe multum proficitur iis Digestorum studiosis qui aut alias disciplinas colentes aut initiis demum Iurisprudentiae imbuti iure Romano non familiarissime utuntur; quippe hi Indice duce scripta de interpolationibus discernendis passim dispersa facilius indagabunt. Index si ab his viris doctis iuvenibusque diligenter adhibebitur, magno sane erit emolumento. Nam certum est idque Index ipse evincet nos hodie sententiarum turba implicatos esse, quae non nisi disciplina historiae iuris strictius exercenda atque assumpto strenuo eorum auxilio qui arti philologiae student dissolvi possit. Adulescentibus autem, qui hodie iurisprudentiae operam dant, inter quos crebriores iuris Romani amatores exsistere cupimus, his ipsis verbis dictum sit excerpta Indicis, etsi aditum ad hodiernam iuris Romani scientiam patefaciant, non id agere, ut libros in Indice laudatos neglegere doceant sed ad eos diligenter utendos adducant. Qua necessitate diligentiae adhibendae satis intellecta ampla Indicis institutio vix pro vitio habenda est. Utrum tamen Index hunc in modum continuandus an simpliciore forma celerius perficiendus sit, in dubio versamur.

Excerpta Indicis usque ad Kalendas Ianuarias anni 1928 prolata sunt. Recepta sunt omnia quae olim scriptores ipsi miserant quaeque praeterea editores vel Secretariatus indagaverunt. Fieri non poterat, quin et Fasciculo anno 1913 typis expresso et libris X—XII statim Supplementa ad eundem diem prolata adderentur. Quae cum nova supplementa sequi oporteat, etiam atque etiam rogamus, ut omnes qui ad ea componenda aliquid conferre possunt, excerpta plena ac perfecta mittant. Pergratum autem erit, si auctores novorum librorum, in quibus de mutationibus scriptis iuris consultorum sive constitutionibus Imperatorum Romanorum illatis agitur, prodeunte iam libro eas adnotationes, quae in Indicem vel in Supplementa recipiendae sunt, in schedis conscriptas — singulas, si placet, schedas ad singulos locos — nobis mittant hac usi inscriptione: Sekretariat des Interpolationenindex Berlin C 2 Universität Zimmer 305. Quibus tamen utilius commodiusve videbitur ipsorum operum exempla nobis tradere nos quoque maximam habebimus gratiam.

E Rabel

SIGNORUM EXPLICATIO

in libris Dig. I–IX d . . . T *nunc* [ ]	verba a Triboniano (vel ante Tribonianum) inserta esse putantur
[ ] gl	verba pro glossemate habentur
[ ] π	verba pro paraphrasi habentur
[$\overline{pp}$]	quaedam non genuina esse putantur
in libris Dig. I–IX . . . . U(lpian) *nunc* ⟨ ⟩	verba genuina deleta esse putantur
⟨—⟩	scriptor sententiam genuinam interpretatur, sed verba restituere non conatur
⟨?⟩	scriptor verba quaedam deleta esse suspicatur
[ ] (?)	scriptor de interpolatione dubitat
[ ] ⟨ ⟩ (?)	scriptor de interpolatione et restitutione dubitat
⟨ ⟩ (?)	scriptor de restitutione dubitat
[ ] Lenel EP . . . Mitteis (?) RPR . . .	solus Mitteis de interpolatione dubitat
[ ] ⟨ ⟩ Müller beneficium 2, 13 (?)	opinio scriptoris incerta est

ABBREVIATURAE

I

adhl	ad hunc locum	*fin*	finis	*$\overline{pp}$*	pro parte
ca	contra	*genuin*	genuinum	*rell*	reliqua
cf	confer	i f	in fine	SA	Sonderabdruck
corr	corruptum	*ins*	inserendum	*scr*	scribendum
D	Digesta	Ist	Istituzioni	Scr	Scritti
del	delendum	l c	loco citato	sec	secundum
estr	estratto	ll cc	locis citatis	*sim*	similia
Ét	Études	Mél	Mélanges	sqq	sequentes
Festg	Festgabe	n	nota	Stud	Studi
Festschr	Festschrift	On	Onoranze	s v	sub voce

II

Abh Ak Berl = Abhandlungen der Kgl. Preuß. Akademie der Wissenschaften zu Berlin. Phil. hist. Klasse

Aeg = Aegyptus. Rivista Italiana di Egittologia e di Papirologia. Milano 1920 sqq

Ann Messina = Annali dell' Istituto di scienze giuridiche, economiche, politiche e sociali della R. Università di Messina. Messina 1927 sqq

Ann Pal = Annali del Seminario giuridico della R. Università di Palermo. Roma 1916 sqq

Ann Perug = Annali dell' Istituto giuridico della Università di Perugia

Arch bürg Recht = Archiv für bürgerliches Recht. Berlin 1889—1919

Arch f R u W philosophie = Archiv für Rechts- und Wirtschaftsphilosophie. Berlin und Leipzig 1907/08 sqq

Arch giur = Archivio giuridico. Bologna 1868—1873 Pisa 1874—1910. Modena 1921 sqq

Arch lat Lex = Archiv für lateinische Lexicographie und Grammatik. Leipzig 1 (1884)—15 (1908)

Arch Papyr = Archiv für Papyrusforschung und verwandte Gebiete. Leipzig 1901 sqq

Arch z Pr = Archiv für die civilistische Praxis. Heidelberg 1818 sqq. Freiburg i Br und Leipzig. Tübingen.

Att Nap = Atti della R. Accademia di scienze morali e politiche. Società Reale di Napoli

Att Pad = Atti della Accademia scientifica Veneto-Trentino-Istriana di Padova

Att Tor = Atti della R. Accademia delle scienze di Torino

Att Ven = Atti del R. Istituto Veneto di scienze, lettere ed arti. Venezia

Berl phil Woch = Berliner philologische Wochenschrift. Leipzig

Bull = Bullettino dell' Istituto di diritto romano. Roma 1888 sqq

Circolo giur = Il circolo giuridico. Palermo

Civ Mag = Civilistisches Magazin. ed. Hugo 3. Ausg. 1—4 Berlin 1810—1815

Dig Mil = Digesta Iustiniani Augusti recogn. et ed. PBonfante CFadda CFerrini SRiccobono VScialoja. Libri I—XXVIII. Mediolani 1908

DLZ = Deutsche Literaturzeitung. Berlin und Leipzig

Fil = Il Filangieri. Rivista giuridica, dottrinale e pratica. Milano

Foro ital = Il Foro italiano. Raccolta generale di giurisprudenza. Roma

G G A = Göttingische gelehrte Anzeigen. Berlin

Giur it = La giurisprudenza italiana. Milano

Grünh Z = Zeitschrift für das Privat- und öffentliche Recht der Gegenwart. Wien 1874—1916

Jber klass Alt = Jahresbericht über die Fortschritte der klassischen Altertumswissenschaft. ed. Bursian. Leipzig

Jher Jb = Jahrbücher für die Dogmatik des heutigen römischen und deutschen Privatrechts. Jena 1857 sqq. 37 (1897) = 2. Folge 1 (1897) Jherings Jahrbücher für die Dogmatik des bürgerlichen Rechts

Krit Viert = Kritische Vierteljahresschrift für Gesetzgebung und Rechtswissenschaft. München 1859 sqq (12 sqq Oldenburg 22 sqq Leipzig 37 sqq Freiburg i Br und Leipzig)

Leipz S Ber (Sächs Abh) = Abhandlungen der Kgl. Sächsischen Gesellschaft der Wissenschaften. Phil. hist. Classe. Leipzig

Mem Bol = Memorie della R. Accademia delle scienze dell' Istituto di Bologna

Mem Lincei = Memorie della R. Accademia Nazionale dei Lincei. classe di scienze morali, storiche e filologiche. Roma

Mem Mod = Memorie della R. Accademia di scienze lettere ed arti di Modena. ser 4 vol 1 (1926): Atti e Memorie . . .

Mnem = Mnemosyne. Bibliotheca philologica Batava. Lugduni Batav. et Lipsiae

N R H = Nouvelle revue historique de droit français et étranger. Paris 1877—1921

Pubbl Sacro Cuore = Pubblicazioni della Università cattolica del Sacro Cuore di Milano

R E = Paulys Real-Encyclopädie der classischen Altertumswissenschaft. Neue Bearbeitung von Wissowa—Kroll. Stuttgart

rechtsg Mag = Rechtsgeleerd Magazijn. Haarlem

Rend Bol = Rendiconti delle sessioni della R. Accademia delle scienze dell' Istituto di Bologna. Classe di scienze morali

Rend Linc = Rendiconti della R. Accademia dei Lincei. Classe di scienze morali. Roma

Rend Lomb = Rendiconti del R. Istituto Lombardo di scienze e lettere. Milano

Rev droit int = Revue générale de droit international public. Paris 1894 sqq

Rev gén = Revue générale du droit, de la législation et de la jurisprudence en France et à l' étranger. Paris

R H = Revue historique de droit français et étranger. Paris 1922 sqq

Rhein M J = Rheinisches Museum für Jurisprudenz. Bonn 1827—1829. Göttingen 1833—1835

Rhein Z = Rheinische Zeitschrift für Zivil- und Prozeßrecht. Mannheim und Leipzig 1909 sqq

Riv dir civ = Rivista di diritto civile. Milano

Riv dir comm = Rivista di diritto commerciale, industriale e maritimo (e del diritto generale delle obbligazioni). Milano

Riv dir int = Rivista di diritto internazionale. Roma 1906 sqq

Riv fil = Rivista di filologia e d'istruzione classica. Torino

Riv It sc giur = Rivista italiana per le scienze giuridiche. Torino

Sächs Abh = cf Leipz SBer

S Ber Berl = Sitzungsberichte der Kgl. Preuß. Akademie der Wissenschaften zu Berlin

S Ber Heid = Sitzungsberichte der Heidelberger Akademie der Wissenschaften

Stud Cagliari = Studi economico-giuridici pubblicati per cura della Facoltà di Giurisprudenza della R. Università di Cagliari (Istituto economico-giuridico)

Stud e doc = Studi e documenti di storia e diritto. Roma 1880—1904

Stud Pavia = Studi nelle scienze giuridiche e sociali. Pavia 1912 sqq

Stud Sassaresi = Studi Sassaresi. Sassari. 1ª ser 1900 sqq 2ª ser 1921 sqq

Stud Sen = Studi Senesi nel circolo giuridico della R. Università. Siena 1884 sqq

S Z = Zeitschrift der Savigny-Stiftung für Rechtsgeschichte. Romanistische Abteilung. Weimar 1880 sqq 1 (1880) = 14. Bd der ZRG

Tijdschrift = Tijdschrift voor Rechtsgeschiedenis Revue d'histoire du droit. Haarlem 1918 sqq

V J R = Vocabularium iurisprudentiae Romanae iussu Instituti Savigniani compositum. Berolini 1 (1903) 2, 1 (1906) 2, 2 (1913) 3, 1 (1910) 4, 1 (1914) 5, 1 (1910) 5, 2 (1917)

Wien Stud = Wiener Studien. Zeitschrift für klassische Philologie. Wien

Woch kl Phil = Wochenschrift für klassische Philologie. Berlin

Z f Z u Pr (Linde's Z, Gieß Z N F) = Zeitschrift für Civilrecht und Prozeß. ed. Linde. Gießen 1828—1840. Neue Folge 1845—1865

Z G R W = Zeitschrift für geschichtliche Rechtswissenschaft. Berlin 1815—1850

Z H R = Zeitschrift für das gesammte Handelsrecht (und Konkursrecht). Erlangen 1858 bis 1874. Stuttgart 1875 sqq

Z R G = Zeitschrift für Rechtsgeschichte. Weimar 1861—1878

Z vgl RW = Zeitschrift für vergleichende Rechtswissenschaft. Stuttgart 1878 sqq.

III

Albertario Emilio
- alimenti = Sul diritto agli alimenti. Milano 1925. in Pubbl Sacro Cuore ser 2 vol 7 fasc 2
- alterazioni pregiust D 5, 4, 3 = In tema di alterazioni pregiustinianee D 5, 4, 3 Paul. 17 ad Plaut. Pavia 1921
- animus furandi = Animus furandi. in Pubbl Sacro Cuore ser 2 scienze giur vol 1 fasc 2
- a⁰ comm div = Lo svolgimento storico dell' actio communi dividundo in rapporto alla legittimazione processuale. in Stud Pavia 2 (1913)
- a⁰ de universitate = Actio de universitate e actio specialis in rem. Roma 1919. in Ann Perug 31 (1919) 4, 1
- a⁰ e interd = 'Actio' e 'interdictum' Nota esegetica. Pavia 1911
- a⁰ qu inst = L' 'actio quasi institoria'. Pavia 1912
- a⁰ subsidiaria = Dell' 'actio subsidiaria' concessa al minore contro i magistrati. Pavia 1912
- arb b v d debitore n determinazione d prestazione = L' 'arbitrium boni viri' del debitore nella determinazione della prestazione. Milano 1924. in Pubbl Sacro Cuore ser 2 scienze giur vol V
- arb b v n onerato di un fedecommesso = L' arbitrium boni viri nel onerato di un fedecommesso. in Pubbl Sacro Cuore ser 7 vol 14 Studi dedicati alla memoria di Pier Paolo Zanzucchi
- az pen = Le azioni penali. Pavia 1915. Programma
- contr crit Dig = Contributi alla critica del Digesto. Pavia 1911
- definizioni obbl rom = Le definizioni dell' obbligazione romana. Milano 1927. in Raccolta di scritti in onore di Felice Ramorino. Pubbl Sacro Cuore ser 4 scienze filologiche vol VII
- delictum = Delictum e crimen nel diritto romano classico e nella legislazione giustinianea. Milano 1923. in Pubbl Sacro Cuore ser 2 scienze giure vol III
- excusationes = Lo sviluppo delle 'excusationes' nella tutela e nella cura dei minori. Pavia 1912
- form Fab = Due osservazioni sul fr de formula Fabiana. in Ann Perug 32 (1920)
- gloss vat = Glossemi nel Fr Vat 102. Pavia 1920
- hodie = Hodie. Pavia 1911
- Itp jagd = A proposito di 'Interpolationenjagd'. Milano 1925. in Pubbl Sacro Cuore ser 2 (giurid.) vol 7 fasc 1

Albertario Emilio
- peg superfic = Il pegno della superficie nel diritto romano classico e nel diritto giustinianeo. Pavia 1911
- poss superfic = Il possesso del superficiario. Pavia 1912
- storia d ricerca d interpol = Contributi alla storia della ricerca delle interpolazioni. Pavia 1913
- terminol d possesso = Appunti per una critica sulla terminologia del possesso. Pavia 1915

Alibrandi Ilario
- opp = Opere giuridiche e storiche del prof Ilario Alibrandi raccolte e pubblicate a cura della Accademia di conferenze storico-giuridiche. vol I Roma 1896

Amann Julius
- Krit Stud = Kritische Studien zum Pandektentext. Freiburg i Br 1873 (diss)
- Prok u Mand = Über den Begriff des procurator und des mandatarius nach römischem Recht. Heidelberg 1879

Appleton Charles
- comp = Histoire de la compensation en droit romain. Paris 1895
- cours dr rom = Résumé du cours de droit romain, professé à la Faculté de Droit de Lyon. I II Paris. Lyon 1884
- prop prét = Histoire de la propriété prétorienne et de l'action Publicienne. I II Paris 1889

Appleton Henri
- int = Des interpolations dans les Pandectes et des méthodes propres à les découvrir. Paris 1895

Arangio-Ruiz Vincenzo
- az confess e neg = Sulle azioni confessorie e negatorie. Napoli 1908
- genti = Le genti e la città. in Annuario della R. Università di Messina, anno 364 (1913/14)
- giudiz divis = Appunti sui giudizii divisorii. in Riv It sc giur 52 (1913) fasc 2
- Ist¹ = Corso di istituzioni di diritto romano Napoli I 1921 II 1923
- Ist² = Istituzioni di diritto romano. 2ª ediz rived. Napoli 1927.

d'Arnaud Georg
- var coni = Variarum coniecturarum libri duo. Franequerae 1738

Arndts Ludwig
- Beitr = Beiträge zu verschiednen Lehren des Civilrechts und Civilprocesses. Bonn 1837
- civilist Schriften = Gesammelte civilistische Schriften I—III. Stuttgart 1873. 1874

Arnò Carlo
distinzione tra servitù rust ed urb = Della distinzione tra servitù rustiche ed urbane. Torino 1895. R. Univ. di Torino. Istituto di esercitazioni nelle scienze giuridico-politiche. Memoria XI
obbl divis e indivis = Le obbligazioni divisibili e indivisibili. Modena 1901. Biblioteca dell'Archivio giuridico III
possesso = Per la ricostruzione della teorica del possesso. Modena 1919. in Mem Mod ser 3ª vol XIII

Ascoli Alfredo
donazioni = Trattato delle donazioni secondo il diritto civile italiano con riguardo al diritto romano e alla giurisprudenza moderna. Firenze 1898
ipoteca e interd Salviano = Le origini dell'ipoteca e l'interdetto Salviano. Livorno 1887

Audibert Adrien
Ét hist dr rom = Études sur l'histoire du droit romain. I la folie et la prodigalité. Paris 1892

Bachofen J. J.
Pfandr = Das römische Pfandrecht. I Basel 1847

Bähr Otto
Anerkennung = Die Anerkennung als Verpflichtungsgrund. Cassel 1855

Balduinus Franciscus
iur Muc = Commentarius de iurisprudentia Muciana. Basileae 1558

Βασῆς Σ.
adn = Adnotationum criticarum ad Iustiniani Digesta series II. *'Εν 'Αθηναις* 1910. In *'Επιστημονικη ἐπετηρις Ε'* (5) 1908/09
Κριτικὰ = *Κριτικὰ ('Ανατυπωσις ἐκ της ἐπετηριδος του ἐθν. πανεπιστημιου). 'Εν 'Αθηναις* 1908

v Bassewitz Ferdinand
fiducia = De Romanorum fiducia eiusque vestigiis in libris iuris civilis addita Germanorum iuris pignoraticii adumbratione. Halae 1858 (diss)

Baviera Giovanni
Scr giur = Scritti giuridici. I Palermo 1909

Bechmann August
Dotalrecht = Das römische Dotalrecht. Erlangen 1863. 1867. 2 voll
Kauf = Der Kauf nach gemeinem Recht I Geschichte des Kaufs im römischen Recht. Erlangen 1876 II System des Kaufs nach gemeinem Recht. Erlangen 1884 III System des Kaufs nach gemeinem Recht. 2 voll Leipzig 1905. 1908

Bekker Ernst Immanuel
Akt = Die Aktionen des römischen Privatrechts. Berlin I 1871 II 1873

Berger Adolf
derelizione = In tema di derelizione. in Bull 32 (1922) [estr 1915]
dotis dictio = La dotis dictio dans le droit romain. In Bulletin International de l'Académie Polonaise des sciences et des lettres de Cracovie. cl hist phil 1909 Cracovie 1910 (Anzeiger der Akademie der Wissenschaften in Krakau)
Strafkl = Die Strafklauseln, in den Papyrusurkunden. Leipzig-Berlin 1911
Teilgskl = Zur Entwicklungsgeschichte der Teilungsklagen im klassischen römischen Recht. Weimar 1912

Bergman C. Gunnar
Adoptionsrecht = Beiträge zum römischen Adoptionsrecht. in Lunds Universitets Årsskrift N F Afd 1. Bd 8. Nr 1 Lund. Leipzig 1912

Bertolini Cesare
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giuram = Il giuramento nel diritto privato romano. Roma 1886
ratif = La ratificà degli atti giuridici nel diritto privato romano. Roma I 1889 II 1891
transaz = Della transazione secondo il diritto romano. Torino 1900

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Ed = Das Edictum de eo quod certo loco. Leipzig 1907
Erörterungen = Erörterungen zur Geschichte der Novation und Zur Geschichte des Litteralkontraktes. Kiel 1904 (diss)

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D 42, 1, 63 = D 42, 1, 63. Trattato dei limiti soggettivi della cosa giudicata in diritto romano. Macerata 1922

eff estint = L'efficacia estintiva della litis contestatio nelle obbligazioni solidali passive. Programma Camerino 1917/18

lit aest = La litis aestimatio in rapporto al tempo nelle varie specie di azioni e di giudizî. Camerino 1919. Programma del corso di diritto romano

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principato di Augusto = Il carattere giuridico del principato di Augusto. Città di Castello 1915

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Binding Karl

Normen = Die Normen und ihre Übertretung. Leipzig 1872sqq 2. Aufl 1890—1919

Biondi Biondo

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donatio m c = Appunti intorno alla donatio mortis causa. in Ann Perug 29 (1914) nr 2

dottr act arb = Sulla dottrina romana dell''actio arbitraria'. in Ann Pal I (1916)

giur decis = Il giuramento decisorio nel processo civile romano. Palermo 1913

iud b f = Iudicia bonae fidei. in Ann Pal VII (1918)

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corso = Corso di diritto romano. I Diritto di famiglia. Roma 1925 II sez 1ª La proprietà. Roma 1926

dir rom = Diritto romano. Firenze 1900

Ist = Istituzioni di diritto romano. Milano 4. ed 1907. 8. ed 1925

lez dir fam = Lezioni sul diritto di famiglia. Corso di diritto romano. Pavia 1907/08

lez fam = Corso di diritto romano. Diritto di famiglia. Lezioni Pavia 1904/05

lez obbl = Le obbligazioni. Lezioni Pavia 1911/12

lez poss = Possesso; istituti possessori. Corso di diritto romano. Pavia 1906 2 voll

lez propr = Teoria della proprietà. Lezioni. Corso di diritto romano. Pavia 1910/11

Scr giur = Scritti giuridici varii. I Torino 1916 II 1918 III 1921 IV 1925

storia = Storia del diritto romano. Milano 1908

Borgna Guiseppe

regola Catoniana nel dir giust = La regola Catoniana nel diritto giustinianeo. Cagliari 1909

Bortolucci Giovanni

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iurispr antehadr = Iurisprudentiae antehadrianae quae supersunt. I. II 1. II 2 Lipsiae 1896. 1898. 1901

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Bynkershoek Cornelius van
opp (observ) = Observationum libri VIII. in Opera omnia I. Lugduni Batavorum 1767

Carusi Evaristo
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interd quod vi aut clam = L'interdictum quod vi aut clam e l'operis novi nunciatio. Padova 1910
tutela = Appunti sulla tutela. Padova 1910

Cogliolo Pietro
storia = Storia del diritto privato romano. Firenze 1896

Cohn Max
Beitr = Beiträge zur Bearbeitung des römischen Rechts Berlin I 1878 II 1880
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Vereinsr = Zum römischen Vereinsrecht. Berlin 1873

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locaz = La locazione di cose nel diritto romano. Torino 1915

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don mort c = L' espressione 'mortis causa'. Indagini sulla dottrina della causa del negozio giuridico. Napoli 1910
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nullità = La nullità parziale del negozio giuridico nel D 24, 1 de don. i. v. et u. Napoli 1922
tirocin industr = Profili del tirocinio industriale. Napoli 1922

Cuiacius Iacobus
Cuiac = Opera omnia in decem tomos distributa. Neapoli 1722—1727

Cuq Edouard
inst = Les institutions juridiques des Romains. Paris I 1904 II 1908

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evizione = L'evizione della res data in solutum e i suoi effetti. Pavia 1915
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Synall = Συναλλαγμα. Storia e dottrina dei cosiddetti contratti innominati Pavia I 1913 II 1916
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trasferimento = Il trasferimento della proprietà. Padova 1924

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Exhib = Die Exhibitionspflicht in ihrer Bedeutung für das classische und heutige Recht. Gratz 1872
Schiedseid = Schiedseid und Beweiseid im römischen Civilprozesse. Leipzig 1887
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Compens = Geschichte und Theorie der Compensation nach römischen und neuerem Rechte 2. Aufl. Heidelberg 1868
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her pet = Über das Verhältnis der hereditatis petitio zu den erbschaftlichen Singularklagen. Heidelberg 1852
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cond = Studii sulla condictio. Palermo 1902
decis = Le 'quinquaginta decisiones' di Giustiniano. Palermo 1899
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Cogn = Cognitur und Procuratur. Freiburg i. Br. und Tübingen 1881
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Exc = Zur Geschichte der prozessualen Behandlung der Exceptionen. Berlin 1875

Enneccerus Ludwig
Rechtsgeschäft = Rechtsgeschäft, Bedingung und Anfangstermin. I—II Marburg 1888. 1889

Exner Adolf
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def = Codex Fabrianus definitionum forensium et rerum in sacro Sabaudiae senatu tractatarum. Lugduni 1615
de var = Tractatus de variis nummariorum debitorum solutionibus. Noribergae 1622
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iur Pap = Iurisprudentiae Papinianeae scientia. Lugduni 1607
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opp = Opera iuridica, philologica, philosophica ex Bibliotheca viri nobilis Gerardi Meerman edidit vitamque auctoris praemisit Iacobus van Vaassen Roterodami 1766

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Nex = Über das Recht des nexum und das alte Römische Schuldrecht. Leipzig 1846
PK = Zur Pandektenkritik. Leipzig 1875
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Gaius = Der Rechtsgelehrte Gaius und die Ediktskommentare. Jena 1910
mora = Die mora des Schuldners nach römischem und heutigem Recht. Rostock I 1871 II 1872
Nov = Einfluß der bedingten Novation auf die ursprüngliche Obligatio. Wismar und Ludwigslust 1860
praescr = Präscriptio und Pactum. I in Festgabe für B. W. Leist. Jena 1891
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soc publ = Societas publicanorum. I Jena 1896
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Koehler Io. Bern.
Interpret et emend = Interpretationum et emendationum iuris Romani libri duo. Lipsiae 1792

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Realcontr = Zur Geschichte der benannten Realcontracte auf Rückgabe derselben Species. Marburg und Leipzig 1870
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Wirbel Charles
cognitor = Le cognitor. Paris 1911 (thèse de l'Univ. de Nancy)

Wissenbach Io. Iac.
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Ankl = Anklage und Streitbefestigung im Kriminalrecht der Römer. In S Ber Akademie d Wiss in Wien. Philos.-histor. Kl. 184. Bd 1. Abh Wien 1917
Cognitur = Zur Geschichte der Cognitur. Breslau 1892. in Festgabe f. R. v. Jhering
Einrede = Der Ursprung der römischen Einrede. Wien 1910 S A aus Festgabe der Ztschr f. Notariat . . . für L. Pfaff
Jud bef = Der Judikationsbefehl der römischen Prozesse. Wien 1921/22. in S Ber Akad. d. Wiss. Phil.-hist. Kl. 197. Bd. 4. Abh
Krit Stud = Kritische Studien zur Theorie der Rechtsquellen im Zeitalter der klassischen Juristen. Graz 1884
Litiskont = Die Litiskontestation im Formularprozeß. Leipzig 1889 in Breslauer Festschr Windscheid
Prozeßformel = Die klassische Prozeßformel. Wien 1924. in S Ber Akademie d. Wiss. Phil. hist. Kl. Bd. 202 (1925) 3. Abh.
röm Prov prozeß = Zum römischen Provinzialprozeß. in S Ber Akademie d Wiss Wien. Phil.-hist. Klasse 190. Bd 4. Abh Wien 1919
Röm Proz Ges = Römische Proceßgesetze. Leipzig I 1888 II 1891

v Woeß Friedrich
Erbrecht = Das römische Erbrecht und die Erbanwärter. Berlin 1911

Wünsch Otto
beneficium competentiae (diss Leipzig 1897) = Zur Lehre vom beneficium competentiae. Leipzig 1897

DIGESTORUM LIBRI I–IX

EDIDERUNT

LUDWIG MITTEIS ET HANS PETERS

c. Omnem.

§ 1: septem libris (semotis etc.) Mommsen; septem libris semotis (et in his etc.) interpungendum esse putat Peters Leipz. Sitz.-Ber. 65 I 58.

§ 4: inter devagentur — et hos excidisse libri XXII argumentum vidit Hugo Civilistisches Magazin 4, 134 sq.; cum acutissimi F; pro responsorum acutissimi scr. Hugo l. c. 136; Ferrini Dig. Milan. ad h. l.; genuinum censet Peters Leipz. Sitz.-Ber. 65 I 59, 60 n. 163.

c. Tanta.

§ 12: separari F[1]; sperari F[2]; superari scr. Herrmann ad C. 1, 17, 2, 12; praeparari scr. Scialoja Dig. Milan. ad h. l.

c. Δέδωκεν.

pr.: *ὅλην* F; *ὅλες* aut *ἄλλην* J; [*τῶν παλαιῶν νόμων ἔργον*] Mommsen; [*τῶν νόμων ἔργον*]; [*ὅπερ οὐδεὶς*] Mommsen; [*οὐδείς τινι*]; [*αὐτοκρατόρων*]*ἔτι* Mommsen; [*τοιοῦτόν*]*τι*; [*τῇ ἀνθρωπίνῃ φύσει*] Mommsen; [*τῇ ἀνθρώπων φύσει*]; [*τὴν γὰρ τῶν Ῥωμαίων*] Mommsen; [*τὴν γὰρ ῥωμαικὴν*]; [*ἐναντιουμένην ἑαυτῇ ἀπὸ*] Mommsen; [*ἀπὸ*]; [*Ῥώμης κτίσματος*] Mommsen; [*ῥώμης πολισμοῦ*]; [*καὶ τετρακόσια ἔτη ἐκτρέχουσιν*] Mommsen; [*τετρακοσία ἔτη ἀνύουσιν*]; *ἄλλοις* F; *παλαιοῖς* J; *διαφωνίαν* F; *διαφάνειαν* J; Zachariae SZ 10, 289.

§ 1: *ἀπὸ* F; *αὐτῶν* J; *ἄνωθεν* F; *ἅπαν τε* J; Zachariae SZ 10, 290.

§ 6a: *ἀνεῖται* F; *ἀνύεται* J; Zachariae SZ 10, 290.

§ 7c: inter *περὶ — νομῆς* excidisse *δεσποτείας καὶ τὰ περὶ* putat Zachariae SZ 10, 290.

§ 8: *ἐγγυνής* Mommsen; *ἐγγύης* Zachariae SZ 10, 290.

§ 8a: *ταῦτα* F; *πάντα* Krüger Dig. ad h. l.

§ 8c: *πανηγύρεων καὶ πόρων ἐπαγγελίας* F; *πανηγύρεων ἐμπόρων καὶ ἐπαγγελίας* J; [*ἐρω*]*τήσεων* Mommsen; [*ζη*]*τήσεων*; [*ὅλ*]*ως* Mommsen; [*τέ*]*λος*? Zachariae SZ 10, 291.

c. *Δέδωκεν*

§ 9: lin. 40 *γοῦν* [*ε*]*ἱς* F; *γονεῖς* scr. Zachariae SZ 8, 70; lin. 2 *Πατρίκιον* Mommsen; Dig. Milan. ad h. l.; *πατρίκιον* Witte Krit. Jahrb. f. deutsche Rechtswissenschaft 1837, 15; Zachariae SZ 8, 70; SZ 10, 291; Mommsen Dig. ed. minor 9 ad h. l.; Peters Leipz. Sitz.-Ber. 65 I 69 n. 190.

§ 13: inter *ἀπαιτούντων — τὸ* excidisse *διὰ* putat Ferrini Dig. Milan. ad h. l.

§ 21: *πλήθους τοῖς νόμοις* F; *πλήθους τῶν νόμων* J; Zachariae SZ 10, 291.

§ 23: *συμβεβασμένον* F; *συμβιβασμένον* J; Zachariae SZ 10, 291 secundum Contium.

D. de iustitia et iure 1, 1.

1 § 1: d. bonos — cupientes T; Kalb JL 86; Lenel Ulp. 1908.

§ 2: d. Huius — privatum (lin. 14) T; Pernice SZ 19, 140 n. 1; Perozzi Ist. 2, 62 n. 2; d. sunt — privatim T; Perozzi l. c.; privatum — civilibus: triplicem divisionem U[i] non esse censet Perozzi Ist. 1, 66 n. 2.

§ 3: d. Ius — est (lin. 20) T; Perozzi Ist. 1, 66.

2: deum T; a) Iovem P; Wissenbach Emblem. 4; — b) deos P; Lenel Pomp. 177.

4: d. id — libertatis Gl? Wlassak SZ 28, 4 n. 2; d. quae — esse servi T; Perozzi Ist. 1, 43 n. 3.

5: 1. quaedam esse T[i] susp. Perozzi Ist. 1, 70 n. 1;

2. inter obligationes — institutae excidisse „omnes“ putat Huschke SZ 9, 333; d. exceptis — sunt T; Perozzi Obbl. rom. 52 in n.

6 pr.: a — gentium T; a gentium iure U; d. itaque — efficimus T; Perozzi Ist. 1, 66 n. 1.

§ 1: totum locum esse T[i] putat Perozzi Ist. 1, 31 n. 2.

7 pr.: secundo corr.; primo inscr. Kalb JBer. klass. Alt. Wiss. 134, 85; inter legibus — plebis excidisse „XII tabularum“ putat Huschke SZ 9, 333.

9: cf. Gai 1, 1.

D. de origine iuris et omnium magistratuum et successione prudentium 1, 2.

1: 1. prius corr.; a) populi romani ius G; Mommsen Dig.; Jur. Schr. 2, 33 n. 15; — b) opus G; Huschke SZ 9, 333;

2. constaret corr.; constet G; inter omissis — initiis excidisse „iuris“ susp. Huschke l. c.

3. a) d. namque — intellectum T; Grupe SZ 17, 322; — b) d. cum — venerimus T; Kalb JL 65 (nunc Gai graecismum agnoscit).

2 pr.: 1. totum locum T[i] esse putat Pampaloni Arch. giur. 55, 510;

2. a) d. itaque T; Faber Ration. ad h. l. (1, 7); — b) d. itaque nobis T; inter iuris — originem excidisse putat „nostri“ Bremer Jur. anteh. 2, 2, XX.

§ 2: d. Sexti Gl? Lenel Pomp. 178; post Superbus excidisse „Tarquinius“ negat Mommsen Jur. Schr. 2, 450 sq.

§ 3: post regibus excidisse „eo quod Lucretiam neptem Bruti Tarquinius Superbus violaverat“ negat Mommsen Jur. Schr. 2,450 sq.; inter iure — et excidisse putat „regi“; aliqua uti corr.; ali P; Huschke SZ 9, 334; viginti: a) corr.; quinquaginta P; Mommsen Dig.; — b) genuinum censet Huschke l. c.

§ 4: a) inter placuit — publica excidisse putat „mitti“; verba decem — viros post verbum et (lin. 4) transfert; ante civitas excidisse „ut“; verba quas — percipi post verbum interpretarentur transfert; inter tabulas — eboreas excidisse „X“ putat; perscriptas corr.; post scriptas P; composuerunt corr.; posuerunt P; possint leges corr.; possent legendo P; accedenti corr.; accidenti P; Huschke SZ 9, 334; — b) eboreas corr.; aereas P; Mommsen Jur. Schr. 3, 302 n. 4.

§ 5: 1. „ut“ (lin. 11) corr.; nam P; desideraret corr.; desideretur P; auctoritatem — disputationem corr.; auctoritas necessaria esse disputationi P; Huschke SZ 9, 334;

2. a) d. quod — venit T; Perozzi Ist. 1, 31 n. 2; — b) d. sine scripto T; Baviera Scritti giur. 1, 62;

3. inter prudentibus — propria excidisse putat „pro“ Huschke l. c.;

4. a) d. ut (lin. 14) — partibus T; Baviera Scritti giur. 1, 62; — b) d. ut (lin. 14) — designantur T; Perozzi Obbl. rom. 49 in n.; — c) d. datis — partibus Gl; Huschke SZ l. c.; ? Lenel Pomp. 178.

§ 6: lege corr.; Mommsen, Jur. Schr. 3, 366 n. 2; leges P; harum corr.; iurum P; quis quoquo corr.; qui quoque P; Huschke

SZ 9, 335; praeesset corr.; praesto esset P; Bremer Jur. anteh. 2, 2, XX.

§ 7: proposuisset corr.; libro composuisset P; Huschke SZ 9, 335; formam T; formulam P;? Cuiac. 1, 896 D; 9, 1139 sq.; Wissenbach Emblem. 5.

§ 10: praemuniret corr., praemunirent P; Huschke P. K. 4 n. 2.

§ 11: 1. quaedam esse T[i] susp. Bes. 2, 14 in n.; 69;

2. ante iuris inserendum esse „viros“ negat Mommsen Jur. Schr. 2, 449 sq.; vias; a) corr.? vis P? Mommsen l. c.; — b) corr.; ius P; Huschke SZ 9, 335; — verba transisse, videbantur emendanda, ante ipsis verbum „et“ inser. esse negat Mommsen l. c.; gerere poterant corr.; regere poterat P; Huschke l. c.

§ 12: 1. a) iure id corr.; ius est, quod P; constituitur corr.; constitutum P; Huschke SZ 9, 335; — b) iure id est corr.; ius est quod P; Scialoja Dig. Milan. ad h. l.; — c) id — lege (lin. 10) T? legitimo P? Mitteis RPR 1, 33 n. 11;

2. d. sine scripto T; Perozzi Ist. 1, 31 n. 2; Baviera Scritti giur. 1, 62.

§ 13: inter iuris — et excidisse „nostri“; inter ut — de excidisse „tam“; inter magistratuum — nominibus excidisse „quam de sacerdotium publicorum“ putat Bremer Jur. anteh. 2, 2, XXI; regere corr.; reddere P; Huschke SZ 9, 335; post hoc — dicemus: a T[o] ex posteriore capite (§§ 48—53) huc translata esse censet Bremer l. c. XVIII; melius corr.; medium P; Scialoja Bull. 1, 95; Dig. Milan. ad h. l.

§ 14: inter magistratus — attinet excidisse putat „populi Romani“ Bremer Jur. anteh. 2, 2, XXI.

§ 16: d. dicti — consulerent Gl? Bes. 2, 69; iuberent corr.; iubere P; Mommsen Staatsr. 1, 138 n. 2; Strafr. 38 n. 1.

§ 20: post patribus inserenda „secessit et montem Aventinum occupavit“ esse negat Mommsen Jur. Schr. 2, 451.

§ 22: ut corr.; nec P; Huschke SZ 9, 336.

§ 23: post populi inserendum „Romani“ esse negat Mommsen Jur. Schr. 2, 451.

§ 24: 1. magistratu corr.; magistratus P; inter decemviri — constituti excidisse „crearentur legum scribendarum causa. itaque decemviri“; cum (lin. 14) corr.; civem P; inter sufficere — magistratibus excidisse putat „magistratus“; retineret corr.; retinerent P; perduxerant corr.; perduxerunt P; fuisse corr.; fecisse P; Huschke SZ 9, 336;

2. a) inter et (lin. 23) — castitatem ex-

D. de origine iuris 1, 2, 2

cidisse putat „cum“; Huschke l. c. — b) et (lin. 23) corr.; cum P; Scialoja Dig. Milan. ad h. l.

§ 25: viginti T; sex P; Cuiac. 1, 904 A; Lenel Pomp. 178.

§ 26: 1. inter coeperunt — ex excidisse „ii“ putat Huschke SZ 9, 336;

2. a) aliquo corr.; aliquos P; Huschke l. c.; — b) pluris corr.? plus iuris P? Mommsen Staatsr. 2, 480 n. 1; — c) pro aliquo pluris patres scribendum „aliquas plures partes“ esse negat Mommsen Jur. Schr. 2, 450.

§ 29: praeessent corr.; praeesset P; in litibus corr.; stlitibus P; Huschke SZ 9, 336.

§ 31: et ultis Tiberim: a) d. T; Mommsen Dig.; — b) genuinum esse censet Mommsen Staatsr. 2, 611 n. 1; Seckel s. v. ultis.

§ 33: a) postea aediles corr.; praepositos aedificiis P? Mommsen Dig.; — b) inter postea — aediles excidisse „per“ susp. Mommsen sec. Krueger Dig. ad h. l.; — c) postea (lin. 25) corr.; post P? Scialoja Dig. Milan. ad h. l.

§ 34: inter § 34 et 35 quaedam a T^{o} omissa esse censet Bremer Jur. anteh. 2, 2, XVIII.

§ 36: contra Bremer Jur. anteh. 1, 133 genuinum esse putat; Publius corr.; Sextus P; Baviera Scritti giur. 46.

§ 37: MUCIUS corr.; MAXIMUS P; Rupertus apud Uhl Opera ad historiam iuris pertinentia 164.

§ 38: 1. post coepit inserendum esse „leges“ negat Mommsen Jur. Schr. 2, 451; inter SEXTUS — AELIUS excidisse „CATUS“; inter iuris — continet excidisse „civilis“ putat Huschke ZGRW 15, 177 sq.;

2. a) inter esse (lin. 20) — hos excidisse putat „set“; sectatus corr.; sectati P; est Cato corr.; Aelii Cati P; Huschke l. c.; — b) d. hos — Cato T? Bes. 2, 84;

3. d. deinde – CATO Gl? Lenel Pomp. 178; plurimi corr.; plures Marci P; Huschke l. c.;

4. a) d. ex — oriuntur Gl? Lenel Pomp. 178; — b) ceteri oriuntur corr.; commentarii teruntur P? Huschke l. c.

§ 39: scripta corr.; inscripta P; Ferrini Storia delle fonti 27; Lenel Pal. 1, 589 n. 2; Bremer Jur. anteh. 1, 25; monumenta corr.; monimenta P; Ferrini l. c.; contra Pernice SZ 7, 2, 154.

§ 40: PAULUS corr.; AULUS P; Rupertus apud Uhl Opera ad historiam iuris pertinentia 182; Pansae corr.; Panaetii P; Huschke Giess. ZNF 14, 121 n. 2.

§ 42: GAIUS corr.; TITUS P; Corasius Opera (1603) 1, 134, 16; Huschke SZ 9, 337; exstant corr.; aestimantur P; omnes corr.;

D. de origine iuris 1, 2, 2

homines P; inter Servius — libros excidisse „iis“ putat Huschke l. c.

§ 43: 1. SERVIUS F; SERVIUS autem SULPICIUS Vulg.; lectionem Vulg. genuinam ex Epitom. Pand. haustam censet Kantorowicz SZ 30, 228; 260 n. 2;

2. a) d. aut — Tullium Gl? Peters SZ 32, 471; — b) pro certo corr.; aut proximum certe P; *Βασῆς Κριτικά* 2; contra *Μυλωνᾶς Ἐπιθεώρησις* 1908, 183;

3. eum corr.; quod P; respondisse corr.; respondisset P; esse (lin. 11) corr.; tulisse P; Huschke SZ 9, 337.

§ 44: 1. quaedam esse T^{i} susp. Bremer Jur. anteh. 1, 274;

2. GAIUS (lin. 19) corr.; CATUS P; Huschke ZGRW 15, 186 sq.; d. ANTISTIUS Gl? Lenel Pomp. 178;

3. centum: a) d. corr.; Mommsen Jur. Schr. 2, 91 n. 1; H. Pernice Miscellanea 34; — b) genuinum censet Peters SZ 32, 467 sq.;

4. vicensimae primus corr.; a) viginti libros P; Huschke ZGRW 15, 186; Lenel Pomp. 178; Seckel s. v. Ofilius; — b) XXI P; Huschke P. K. 1; ZRG 11, 114;

5. conscribit corr.; conscripsit P; Huschke ZGRW, PK, ZRG ll. cc.; inter iurisdictione — idem aliquid (numerum librorum Ofilii) excidisse putat Huschke ZGRW 15, 186 sq.

§ 46: satis a) corr.; sane P; Kalb JL 81 n. 6; — b) genuinum censet Kalb RJ 64.

§ 48: d. Massurius (lin. 23) — erat T? Lenel Pomp. 178.

§ 52: 1. quaedam esse T^{i} susp. Scialoja Bull. 14, 18 n. 2;

2. a) d. sed — coeperat T; Baviera Scritti giur. 1, 114; — b) Proculiani corr.; Proculeiani P; Scialoja Bull. l. c.

D. de legibus senatusque consultis et longa consuetudine 1, 3.

1: totum locum T^{i} esse susp. Pernice Formelle Gesetze 104 n. 7; Perozzi Ist. 1, 60 n. 2.

2: *τῶν φύσει πολιτικῶν ζῴων* corr.; *τῷ φύσει πολιτικῷ ζῴῳ* Ch; *Βασῆς* Adnot. 152.

7: permittere corr.; promittere M; *Βασῆς* Adnot. 152.

9: totum locum T^{i} esse susp. Bes. 2, 21.

13: 1. quaedam esse T^{i} susp. Pernice SZ 20, 146 n. 5;

2. inter est — bona excidisse „si“; inter iurisdictione — suppleri excidisse „oportet“ censet Huschke SZ 9, 337.

19: a) d. praesertim — possit Gl; Bes. 2, 53; — b) hoc corr.; hac C; Huschke SZ 9, 337.

D. de legibus senatusque consultis 1, 3

25: d. Nulla iuris T; aut — benignitas T; non M; i. f. quaedam T[i] esse susp. Bes. 2, 32.
26: inscr. corr. esse susp. Lenel, Paul. 1321.
30: d. enim T? Pfaff In fraudem legis agere 133 n. 2.
31: 1. quaedam esse T[i] putat Messina-Vitrano Stud. Brugi 325—337;
2. legibus T; lege U? autem — habent T; tamen non U? Messina-Vitrano l. c. 337 n. 1.
32 pr.: a) d. De — utimur T? Perozzi Ist. 1, 31 n. 2; — b) d. scriptis T; Perozzi l. c.
§ 1: 1. sine ullo scripto T; sine suffragio J; Perozzi Ist. 1, 32 n. 1;
2. a) d. quare — abrogentur T; Perozzi Ist. 1, 39 n. 1; — b) suffragio — sed corr.; suffragio a legis latore, sed J; Huschke SZ 9, 337; — c) d. suffragio legislatoris T; Vangerow Pand. 1, 42; — d) d. legislatoris Gl; Brenkmann apud Peters SZ 32, 376.
33: d. in — descendunt T; Perozzi Ist. 1, 31 n. 2.
35: d. non — iura T; Perozzi Ist. 1, 31 n. 2.
36: d. quod — comprehendere T; Perozzi Ist. 1, 32 n. 1.
39: quaedam (initium) esse T[i] susp. Pernice SZ 22, 81 n. 3.
40: d. ergo T; Pernice SZ 22, 72 n. 4.
41: inscriptionem genuinam esse censet Mommsen Jur. Schr. 2, 61 n. 2.

D. de constitutionibus principum 1, 4.

1 pr.: 1. quaedam esse T[i] susp. Pernice Holtzendorff Enc.[6] 119 n. 2; SZ 6, 298; 20, 160 n. 4; Ferrini Pand. 22 n. 4;
2. regia a) d. T? Mommsen Staatsr. 2, 876 n. 2; — b) d. Gl? Lenel Ulp. 1916; — c) d. T; ceterum contra Pacchioni genuinum censet Riccobono Lez. d'ist. di dir. rom. 1906, 179 n. 1;
3. a) d. populus — conferat T? Wlassak Krit. Stud. 177; — b) inter ei — et excidisse „imperium" putat Mommsen Staatsr. 2, 876 n. 2.

D. de statu hominum 1, 5.

1: cf. Gai 1, 8.
3: cf. Gai 1, 9.
4 pr.: d. naturalis T; Perozzi Ist. 1, 73 n. 3.
§ 1: d. contra naturam T; Perozzi Ist. 1, 73 n. 3; 119 n. 3.
5 § 1: inter civili[2] — si excidisse „velut" putat Huschke SZ 9, 337; passus est T; passus est et mulier ex senatus consulto Claudiano M; Wissenbach Emblem. 6.

D. de statu hominum 1, 5

§ 2: inter quo — nascitur excidisse „quis" putat Huschke SZ 9, 338.
§ 3: tamen — est[1] T; P. Krüger Festschrift f. Bekker 15; Dig. ad h. l.
6: cf. Gai 1, 11.
14: quaedam mutavit T; Paul. Sent. 4, 9, 3 et 4.
15: 1. a) d. quaesitum — nascatur (lin. 24) T; Faber Coniect. 20, 1 (854, 1); Ration. ad h. l. (1, 45); — b) inter adposita — iam excidisse „cum" putat; est corr.; sit Tryph; sed inter esset — haec transfert Huschke SZ 9, 338;
2. inter libera — edatur excidisse „liberum" putat; veluti corr.; proinde ac Tryph; vel corr.: a) velut si Tryph; Huschke SZ 9, 338; — b) veluti si Tryph; Scialoja Dig. Milan. ad h. l.
16: totum locum T[i] esse putat Faber Coniect. 20, 2 (857, 2); Ration. ad h. l. (1, 45).
17: In T; Exceptis dediticiis in U; sunt (lin. 33) T; sunt peregrini U; P. Giss 1, 40 col. 1, 7 sq. (ed. P. M. Meyer); cf. Collinet NRH 33, 507.
24: d. sine — matrimonio T; Grad. Festgabe f. Schirmer 152; d. nisi — inducit T; Faber Ration. ad h. l. (1, 46); Eisele SZ 10, 298; ? Grad. l. c.; Seckel s. v. nisi, specialis.
26: d. Qui — esse T? Perozzi Ist. 1, 135; inter hereditates — his excidisse „natis" putat Huschke SZ 9, 338.
27: potuit corr.; poterit U; *Βασῆς* Adnot. 153.

D. de his qui sui vel alieni iuris sunt 1, 6.

1 pr.: quaedam omisit T; cf. Gai 1, 48, 50, 51.
§ 1: cf. Gai 1, 52.
§ 2: quaedam omisit T; cf. Gai. 1, 53.
2: cf. Collat. 3, 3.
3: cf. Gai 1, 55.
4: a) d. simili — familiarum[1] T; Lenel Ulp. 1917; — b) d. simili modo T; Krüger Dig. ad h. l.
6: d. sed (lin. 2) — filium (lin. 3) T; Pampaloni Arch. giur. 55, 510.
8 pr.: d. idem — potestate[1] (lin. 15); et maritus et; quasi — manentibus T; Bes. 2, 2.
10: dicendum corr.; etiamdum U; *Βασῆς* Adnot. 153.

D. de adoptionibus et emancipationibus et aliis modis quibus potestas solvitur 1, 7.

2 pr.: quaedam omisit mutavitque T; cf. Gai 1, 98, 99.
§ 1: cf. Gai 1, 103.
§ 2: quaedam mutavit T; cf. Gai 1, 107.

D. de adoptionibus 1, 7

5: d. sin — contradicendo T; Mommsen Dig.; Ferrini Pand. 887 n. 2.

7: trigensimo corr.; vicensimo inscr. Krüger Dig. ad h. l.

8: a) curatoris auctoritas T; Ferrini Pand. 921 n. 2; — b) curatoris T; tutoris M; Pernice Labeo 1, 231; contra Bergman Adoptionsrecht 91 n. 1; Peters SZ 33, 513.

12: d. honeste T; Bonfante Della famiglia, Lezioni, Pavia 1903—1904, 46; 1907—08, 429, 1; Pernice Labeo 3, 1, 81 in n.

13: nullum — vestigium: a) quaedam esse T^i susp. Kalb JL 75 n. 8; b) genuinum esse censet Bergman Adoptionsrecht 142.

14: adoptatum corr.; adoptivum P; Haloander; Fitting SZ 26, 51; *Βασῆς* Adnot. 153.

15 pr.: et adquiri possunt T^i manum susp. Lenel Ulp. 2689.

§ 3: d. nec — minor T? Bonfante Della famiglia, Lezioni, Pavia 1907—1908, 1, 26, 1.

16: 1. totum locum T^i esse susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 24;

2. in (lin. 16) — habere T; etiam his personis conceditur quae generare non possunt, quales sunt spadones J? Bonfante Della famiglia, Lezioni, Pavia 1903—04, 40; 1907—08, 1, 24, 3.

17 pr.: quaedam esse T^i susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 30.

§ 1: 1. quaedam esse T^i susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 20; Bergman Adoptionsrecht 86 n. 1;

2. a) inter Eorum — dumtaxat excidisse „tutorum“ putat; d. his corr.; adoptarent corr.; adoptent U; esset corr.; sit U; Huschke SZ 9, 338; — b) Eorum — prohibenda T? Nec pupillorum adrogatio permittenda est his, quorum in tutela sunt U? Seckel s. v. sanctus b.

§ 2: quaedam esse T^i susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 30.

§ 3: 1. quaedam esse T^i susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 30;

2. d. ne — consequi T? Seckel s. v. spes.

§ 4: quaedam esse T^i susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 30.

§ 5: 1. totum locum T^i esse censet Grad. Itp. 66; 233;

2. quaedam esse T^i susp. Bonfante Lezioni sul diritto di famiglia, Pavia 1907—08, 30.

21: 1. totum locum esse T^i censet Bonfante Della famiglia, Lezioni, Pavia 1903—04, 51; 1907—1908, 1, 22, 3; 32, 1; Istit.[4] 138, 1;

2. d. et T? ex — principis T; per populum G? inter adrogari — possunt T^{um} delevisse „non“ putat Seckel s. v. rescribere b.

D. de adoptionibus 1, 7

22 pr.: d. et[3]; et[4] — partem T; Vassalli Miscellanea critica 1, 59 sq.

23: nuptiis — prohibitis a) post verbum adgnascitur (lin. 22) transfert Huschke AZPra 69, 146; — b) d. Gl? Krüger Dig. ad h. l.

32 pr.: per iudicem T; Bergman Adoptionsrecht 86; a consulibus P; Bes. 2, 2.

34: ulla T? fiduciae P? Pernice Labeo 3, 1, 127.

36 pr.: d. ut — potestate Gl; Bes. 2, 3.

37 § 1: d. non T; Bonfante Della famiglia, Lezioni, Pavia 1903—04, 46; 1907—08, 1, 29, 1.

39: iudices T; consules U; Grad. SZ 7, 63; Lenel Ulp. 2067.

40 § 1: a) maior — debet (lin. 33) T? quaeritur an maior esse debeat eo quem adoptat M? Bonfante Della famiglia, Lezioni, Pavia 1, 26 n. 1; — b) d. id — debet Gl; Lenel Mod. 2; — c) d. id — debet T; Ferrini Bull. 13, 132 n. 1; Pand. 884 n. 4; Collinet NRH 24, 381 sq.; — d) d. id — annis T; Cuq Inst. jurid. 2, 116 n. 6.

§ 2: a) adrogando T; adoptando M; Bergman Adoptionsrecht 113; — b) genuinum censet Peters SZ 33, 586.

44: ut etiam corr.; uti tam P; legis corr.; legeque P; quasi corr.; quam si P; Balduinus Iurisp. Mucian. 131 = Iurispr. romana et attica 1, 495, 809.

46: d. beneficio principis T; Pitzorno La legittimazione, Sassari 1904, 19 n. 1.

D. de divisione rerum et qualitate 1, 8.

1 pr.: cf. Gai 2, 2; 2, 3; 2, 8; 2, 9; 2, 10; 2, 11.

§ 1: cf. Gai 2, 12; 2, 13; 2, 14.

4 pr.: 1. abstineatur corr.; abstineat M; Bes. 2, 3;

2. a) d. quia — mare Gl; Bes. l. c.; — b) inter sicut — et excidisse „litus“ putat Huschke SZ 9, 339;

3. Capenatis corr.; Caienatis M; Huschke l. c.

§ 1: 1. totum locum T^i esse susp. Vassalli Stud. Senesi 25, 233 sq.; cf. J 2, 1, 2;

2. quaedam omisisse T^{um} putat Pernice Festgabe f. Dernburg 129.

5 pr.: 1. quaedam delevisse T^{um} putat Kalb JL 65 n. 1;

2. retia — reducere a) suo loco mota esse putat Lenel Gai 490; — b) post verbum recipiant in $§^{um}$ sq. transfert Huschke SZ 9, 339; — c) d. T; Krüger Dig. ad h. l.

§ 1: 1. quaedam delevisse T^{um} putat Kalb JL 65 n. 1;

2. post recipiant transfert ex pr. verba retia — reducere Huschke SZ 9, 339.

D. de divisione rerum 1, 8

6 § 4: d. in[1] (lin. 22) — inferre (lin. 22) T; Albertario Fil. 35, 856; d. sed et T; Krüger Dig.[11] ad h. l.

8 § 1: legati (lin. 30) T; „fetiales id est legati" aut „legati fetiales" M; Bes. 1, 71.
§ 2: immitteretur corr.; fiat vel immittatur M; Huschke SZ 9, 339.

9 § 3: a) d. sanctione[1] (lin. 7) — consecratum T; Albertario SZ 32, 315 n. 2; — b) deo T; Jovi U; Wissenbach Emblem. 10; — c) deo T; diis U; Lenel Ulp. 1486.

D. de senatoribus 1, 9.

1 pr.: d. utique; nemo ambigit T; praefectorius corr.; praetorius U; aut inter videndum — putem excidit „et", aut putem corr.; puto autem U; Bes. 2, 22.

7 § 1: iste corr.; isti U; Huschke SZ 9, 339.

8: d. vel clarissimo Gl? Lenel Ulp. 1896.

12 pr.: d. quamvis perraro T? Seckel s. v. perraro.
§ 1: 1. totum locum esse T[i] putat Cuiac. 2, 886 A; 10, 383 B;
2. quaedam esse T[i] susp. Wissenbach Emblem. 13;
3. a — descendunt T? Gl? Lenel Ulp. 20.

D. de officio consulis 1, 10.

1 § 2: senatus consulto corr.; sententia U; Hotomanus Obs. lib. 7 cap. 20; Huschke P. K. 11; Wlassak SZ 28, 51 n. 3; consilii corr.; cum consilio U; Fuchs Krit. Studien 42 sec. Noordkerk; inter probata — potest excidisse putat „ex senatus consulto (manumittere)" Wlassak SZ 28, 52 n. 4.

D. de officio praefecti praetorio 1, 11.

1 pr.: est plenior corr.; et pleniore A; *Βασῆς* Adnot. 154.

D. de officio praefecti urbi 1, 12.

1 pr.: 1. inter crimina — praefectura excidisse putat „ab"; sibi vindicavit corr.; vindicari U; Huschke SZ 9, 340;
2. Italiam T; a) C̄ lapidem U; Huschke l. c.; Mommsen Dig.; cf. Mommsen Staatsr. 2, 969 n. 2; — b) C̄ miliarium et ita U; Scialoja Dig. Milan. ad h. l.
§ 6: d. interdicto corr.; Mommsen Dig.; audire corr.; adiri U; Mommsen Dig.; Staatsr. 2, 1066 n. 4.
§ 10: d. nam — liberti Gl; Scialoja Dig. Milan. ad h. l.

D. de officio praefecti urbi 1, 12.

§ 13: a) qua — solitarum corr.; Italia vel aliqua sola earum U; Huschke SZ 9, 340; — b) solitarum regionum T; soli Italici regione U? Lenel Ulp. 2079; — c) solitarum corr.; soli Jtalici U; *Βασῆς* Adnot. 154.
§ 14: coisse corr.; concisse U; Cohn Zum römischen Vereinsrecht 148.

3: inter habet — extra excidisse „nec" putat Keller Litiscontestation u. Urteil 48 sq. n. 17.

D. de officio quaestoris 1, 13.

1 § 2: solebant T; solent U; sortiebantur T; sortiuntur U; erant T; sunt U; Lenel Ulp. 2252; cf. Jörs Real-Enc. 5, 538.
§ 4: dicebantur T; dicuntur U; Lenel Ulp. 2252; Jörs Real-Enc. 5, 538.

D. de officio praetorum 1, 14.

3: quo alio iure T; legitimo iudicio U; Grad. Wiener Ztschr. 18, 348 n. 20; d. hoc — est (lin. 33) T; H. Krüger SZ 19, 36.

4: a) d. specialem T? Lenel Ulp. 2254; — b) d. specialem T; et alia esse T[i] susp. Pernice SZ 7, 108; 109 n. 3; 14, 177 sq.

D. de officio praefecti vigilum 1, 15.

1: vetustiores T; maiores nostros P; Bes. 2, 172; portam et muros corr.; portas P; Bes. 2, 69; d. maluit — consuli T? Bes. 2, 172.

3 pr.: a) d. spectabili viro T; Mommsen Staatsr. 2, 1055 n. 4; — b) d. spectabili T; van Alphen Diss. ad l. 100 de V. S. 41; Seckel s. v. spectabilis.

D. de officio proconsulis et legati 1, 16.

4 § 1: inter ministerio — in excidisse „eo" putat Huschke SZ 9, 340.
§ 3: excusantis corr.; a) excusans U; Haloander; — b) excludens id U; Huschke SZ 9, 340.
§ 6: d. est — habet T? Krüger Dig. ad h. l.

5: d. quid — sit T; Bes. 2, 3.

6 pr.: ut — liberet corr.; aut innocentes ipsi liberent U; Huschke SZ 9, 340.

7 § 2: quaedam esse T[i] susp. Mommsen Strafr. 195 n. 1.

9 pr.: primo corr.; secundo inscr. Bluhme ZGRW 4, 425; Rudorff Abh. d. Berliner Akad. 1865 philol. u. hist. Abh. 243 n. 1; Lenel Ulp. 2148.
§ 2: totum locum post §[um] sequentem ponendum esse censet Krüger Dig. ad h. l.
§ 3: totum locum §[o] 2 anteponendum esse censet Krüger Dig. ad h. l.

D. de officio proconsulis 1, 16

§ 4: d. scilicet — prospexerunt T; Bes. 2, 91.

§ 5: d. plerumque T; d. feminis — debebit T? Mitteis Mél. Girard 2, 234; ceterum corr.; certe U; Fuchs Krit. Studien 65; eius — praeest T; proconsulis U; Mitteis l. c.

§ 6: totum locum T[i] esse censet Mitteis Mél. Girard 2, 234.

11: d. coercendi Gl; Mommsen Strafr. 248 n. 2.

D. de officio praesidis 1, 18.

1: a) d. et[3] (lin. 34) — praesides T; Grad. apud Hirschfeld Kaiserl. Verwaltungsbeamte 2. Aufl. 386 n. 3; Seckel s. v. praeses 1b; — b) d. et[3] (lin. 34) — sint T? Scialoja Bull. 1, 98; — c) d. praesides Gl; Krüger Dig. ad h. l.; — d) totum locum genuinum censet Kniep RG 280.

5: d. specialem T; Pernice SZ 7, 108; 109 n. 13; 14, 177 sq.; ? Lenel Ulp. 2254.

6 § 2: genuinum censet Mitteis Mél. Girard 2, 235.

§ 9: solutionis corr.; solutioni U; *Βασῆς* Adnot. 154.

7: a) d. et — ferat T; Lenel Ulp. 2325; — b) competenti remedio T; Grad. SZ 7, 65.

11: genuinum esse censet Seckel s. v. iudex 2b.

14 pr.: Divus corr.; Divi M; Huschke SZ 9, 341; Mommsen Jur. Schr. 2, 162 n. 30; Krüger Dig. ad h. l.; et tamen corr.; attamen M; quoniam corr.; quod non M; non forte corr.; est, num M; admiserit — danda corr.; admiserit, cuius non ex morbo M; Huschke l. c.

16: a) d. si quid — promittatur T? Bes. 1, 5; — b) d. et deponatur T; Arangio-Ruiz, Arch. giur. 76, 483 sq.

20: d. id — provinciae T; Lenel Pap. 387; Scialoja Bull. 1, 105; Eisele SZ 11, 4.

21: d. vel (lin. 26) — pertineat T? Seckel s. v. evertere (eversio).

D. de officio procuratoris Caesaris vel rationalis 1, 19.

1 § 1: d. consensu ipsius; denique — est T; Bonfante Ist. 242 n. 1.

2: d. heredis — est T; Messina-Vitrano Stud. Brugi 331 n. 1.

3 pr.: curatores corr.; procuratores C; huius corr.; capitis C; Huschke SZ 9, 341.

§ 1: tamen corr.; tamen quem C; Scialoja Dig. Milan. ad h. l.

D. de officio eius cui mandata est iurisdictio 1, 21.

1 § 1: sed et (lin. 27) F; a) sed P; Mommsen Dig.; — b) sed dumtaxat P; Mommsen Jur. Schr. 1, 171 n. 11.

D. de officio adsessorum 1, 22.

1: inter studiosi — partibus excidisse „in" putat *Βασῆς* Adnot. 155.

2: autem — prohibeantur T; non prohibentur M; Ferrini Bull. 14, 221.

4: d. quod — est Gl; Brenkmann apud Peters SZ 32, 376.

D. de iurisdictione 2, 1.

3: secundo corr.; singulari inscr. Lenel; Ulp. 2253.

§ 3: 1. totum locum T[i] esse putat Lenel EP 57;

2. quaedam esse T[i] susp. Lenel Ulp. 216; Jörs Real-Enc. 5, 527.

9: d. et (lin. 7); et (lin. 8); vel — unum; quia — facta T; Pampaloni Stud. Senesi 16, 208.

11 pr.: iudicantis T; a) duoviri G; Lenel Gai. 56; — b) magistratus G? duumvirorum G? Bremer Jur. anteh. 2, 2, 167.

§ 1: quaedam esse T[i] susp. Ferrini Obblig. 798—799.

13 § 1: d. ut — regunt T; Eisele SZ 11, 13.

16: praetor corr.; praeses U? Pernice SZ 14, 156 n. 4.

17: d. maxime — habuerat T? Di Marzo Bonae fidei contractus 4, 1.

19 pr.: competentem iudicem T; Grad. SZ 7, 64; praetorem fideicommissarium U; alii T; consulis U; Lenel Ulp. 1897; prioris iudicis T; Grad. l. c.; praetoris U; Lenel l. c.; priore iudice T; Grad. l. c.; praetore U; Lenel l. c.; d. quod — est T; Faber Ration. ad h. l. (1, 94); Grad. Itp. 232; Lenel l. c.; Bes. 2, 106.

D. quod quisque iuris in alterum statuerit, ut ipse eodem iure utatur 2, 2.

1 pr.: a) aequitatem — aspernabitur corr.; quis enim sine cuiusque indignatione iusta aspernabitur U; Huschke SZ 9, 341; — b) d. et — effecit T; Bes. 1, 47; nunc totum locum T[o] attribuit, ita tamen, ut verba idem — effecit genuina, sed aliunde petita susp.

§ 1: post Qui nihil excidisse putat Kniep RG 246; inter debet — si excidisse „et" putat; potestatemque corr.; potestatemve U; Huschke SZ 9, 341.

§ 2: d. quid — effectum T; Bes. 1, 47.

3 pr.: venerit corr.; evenerit U; Huschke SZ 9, 341; aliquo corr.; iniquo U; Noodt Commentarius ad Dig. ad h. l.; Huschke l. c.

§ 1: utique corr.; uti U; Huschke SZ 9, 341.

§ 4: d. an — intendo T; sit — fiat T; est U; Pampaloni Stud. Senesi 16, 232.

D. quod quisque iuris 2, 2

4: a) quis corr.; quid E; *Βασῆς* Adnot. 155; — b) inter eorum — contra excidisse „quid“ putat Lenel EP 58; contra Kniep RG 246.

D. si quis ius dicenti non obtemperaverit 2, 3.

1 pr.: non tamen T; non tantum U; Rudorff RG 2, 313 n. 22.
§ 1: post fecit excidisse putat „qui vero quod antecedit non fecit, quod extremum est fecit, obtemperavit“; Bes. 1, 13.

D. de in ius vocando 2, 4.

8 pr.: a) d. nisi — permittetur T; Albertario Fil. 1911, 809; — b) d. tunc — permittetur T? Seckel s. v. tunc 2.
§ 1: inter manumiserunt — collusionem excidisse „quorumve servus libertatem meruit, etiamsi non manumiserunt, velut si“ susp. Huschke SZ 9, 342.

10 pr.: inter Sed — si excidisse „et“ putat *Βασῆς* Adnot. 155; sed corr.; servum U; emi et corr.; empto U; Huschke SZ 9, 342.
§ 2: a) vel — dum corr.; eo quod adrogatur: vel si libertus capite minuatur, cum U; d. quo adrogatur T; Huschke SZ 9, 342; — b) d. dum — ingenuus T; Bes. 2, 86; — c) quo corr.; quod U; Hofmann ZRG 12, 311.
§ 4: d. vel universitatem T? H. Krüger SZ 29, 520.
§ 6: Hanc § um suo loco motam esse putat Lenel Ulp. 261.

12: a) d. et — competere T? Seckel s. v. poenalis 1 b aa; — b) d. id — aureorum T; Lenel Ulp. 1366; Eisele SZ 11, 4; — c) competere T; dandam esse U; Krüger SZ 16, 4; Dig. ad h. l.

15: d. vel praesidi T? Lenel Paul. 1272.

17: 1. totum locum T[i] esse putat Bes. 2, 49; 2. Eum — promisit: quaedam esse T[i] susp. Schlossmann SZ 24, 327.

22 § 1: a) quaedam T[um] delevisse susp. Wlassak SZ 25, 127 n. 3; — b) d. si — defendet T? Lenel EP 67 n. 3, 4.

24: quinquaginta aureorum T; HS $\overline{V}$ aut $\overline{X}$ U? Lenel Ulp. 264.

25: d. vel — vel T; Cuiac. 5, 880 C.

D. si quis in ius vocatus non ierit sive quis eum vocaverit, quem ex edicto non debuerit 2, 5.

1: fideiussorem — causa T; vindicem dederit U; fideiussor T; vindex U; Lenel Ulp. 178; Krüger Dig. ad h. l.; d. nisi — renuntiaverit T? Faber Ration. ad h. l. (1, 110).

D. si quis in ius vocatus non ierit 2, 5

2 § 1: competenti iudice T; Grad. SZ 7, 64; duoviro P; iudicis T; eius P; Lenel SZ 2, 22; Paul. 86; EP 52.

3: in iudicio T; vadimonio U; Krüger Dig. ad h. l.

D. in ius vocati ut eant aut satis vel cautum dent 2, 6.

1: fideiussor — datus T; vindex P; Lenel SZ 2, 44; Paul. 87; SZ 25, 232; EP 69 n. 1; detur T? sit P? Schlossmann Wiener Ztschr. 32, 196.

2: fideiussor T; vindex C; Lenel Callistr. 55.

3: fideiussor T; a) vindex P; Lenel SZ 2, 44; 25, 232; EP § 11; Krüger Dig. ad h. l. — b) vindex qualiscumque P; Lenel Paul. 135; contra „qualiscumque“ inserendum Zanzucchi Riv. ital. 47, 258 n. 1.

4: duos — promisit T; pro duobus vindex extiterit U? Lenel Ulp. 1373; contra Naber Mnem. 1893, 376.

D. ne quis eum qui in ius vocabitur vi eximat 2, 7.

1 § 1: d. nisi — suscipiet T; Pampaloni Stud. Senesi 16, 36.

3 pr.: d. quid — agendum T; Bes. 1, 4.
§ 2: a) inter eximat — vi excidisse „exigit“ putat Huschke SZ 9, 342; — b) d. vi² Gl; *Βασῆς* Adnot. 155.

D. qui satisdare cogantur vel iurato promittant vel suae promissioni committantur 2, 8.

1: qui corr.; cui G? cavit corr.; cavemus G? Seckel s. v. satis[dare] 3 a.

2 pr.: fideiussor — causa T; Cuq Instit. jurid. 2, 746 n. 1; vindex U; Lenel SZ 2, 44; Ulp. 265; SZ 25, 232; Krüger Dig. ad h. l.
§ 1: fideiussorem — causa T; Cuq Instit. jurid. 2, 746 n. 1; vindicem U; Lenel SZ 2, 44; Ulp. 265; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.
§ 2: 1. d. eumve — habebit T? (Gl?) Lenel EP 69 n. 3; Zanzucchi Riv. ital. 47, 259 n. 1; 2. a) vel¹ — accipiatur T; uxorem nurumve in ius vocatos vindicabit, qualiscumque sit, ut vindex accipiatur E; Zanzucchi l. c. 250 sq.; — b) vel¹ — nurum T? uxorem nurumve E? Seckel s. v. vel 1; cf. Eisele SZ 21, 6; — c) iudicium T; ius E; fideiussor — causa T; vindex E; Lenel SZ 2, 44; Ulp. 266; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.; — d) fideiussor — causa T; Demelius SZ 2, 7 n. 14; Cuq Instit. jurid. 2, 746 n. 1.

D. qui satisdare cogantur 2, 8

§ 3: 1. quaedam (dabimus) T^i esse susp. Bes. 2, 5;

2. fideiussor T; Cuq Instit. jurid. 2, 746 n. 1; vindex U; Lenel SZ 2, 44; Ulp. 266; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.

§ 4: a) fideiussor T; Cuq Instit. jurid. 2, 746 n. 1; vindex U; Lenel SZ 2, 44; Ulp. 266; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.; — b) fideiussor T; sit, ut vindex E; Zanzucchi Riv. ital. 47, 254 n. 1.

§ 5: 1. a) In — promiserit T; „In eum qui vindex exstiterit" similiave U; Lenel Ulp. 267; — b) fideiussorem — promiserit T; vindicem U; Lenel SZ 2, 44; 25, 251 n. 3; EP § 11; Krüger Dig. ad h. l.; cf. Cuq Instit. jurid. 2, 746 n. 1; genuinum esse censet Schlossmann SZ 24, 296 sq.; 301, 311, 322 sq.;

2. inter quantitatem — videamus T^{um} delevisse „ab actore aestimatam" putat Naber Mnem. 1893, 373 sq.; cf. Scialoja Dig. Milan. ad h. l.;

3. a) d. et — accessit T; Krüger Dig. ad h. l.; — b) fideiussor T; vindex U; Lenel Ulp. 267; d. nisi — accessit T; Lenel SZ 2, 44; 25, 251 n. 3; EP § 11; Naber Mnem. 1893, 373 sq.

3: tanti eundem corr.; in tantundem G; Huschke SZ 9, 342; fideiussorem T; vindicem G; Lenel SZ 2, 45; Gai. 64; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.

4: fideiussorem — causa T; vindicem dederit P; Lenel SZ 2, 45 n. 80; Paul. 136; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.

5 pr.: fideiusserit T; „vindex exstiterit" similiave G; Lenel SZ 2, 44; Gai 65; SZ 25, 232; EP § 11; Krüger Dig. ad h. l.; spoponderit G; Naber Mnem. 1893, 378; fideiussore T; vindice G; Lenel l. c.; Krüger l. c.

§ 1: fideiussorem — causa T; Demelius SZ 2, 7 n. 14; vindicem G; fideiussorem T; vindicem G; fideiussor T; vindex G; Lenel SZ 2, 44; Gai. 65; SZ 25, 232; EP § 11.

6: d. vel satisdatum T; de Ruggiero Stud. Fadda 2, 104 in n.

7 pr.: fideiussor T; sponsor Ulp.; fideiussorem T; sponsorem U; Lenel Ulp. 476; Krüger Dig. ad h. l.

§ 2: 1. quaedam esse T^i susp. Faber Ration. ad h. l. (1, 122); Grad. Itp. 66; Ferrini Pand. 232 n. 2; de Ruggiero Stud. ec.-giur. di Cagliari 1, 133;

2. genuinum esse censet Rudorff ZRG 4, 114 n. 160 contra Muther Sequestration 159;

3. d. et — accipiat T; Lenel Ulp. 477.

8 pr.: 1. inter Pedius — putat excidisse „diem" censet Huschke SZ 9, 342;

2. a) d. moderato — statuendum T; Cuiac. 3, 651 D; 5, 201 A; — b) de corr.; ad P; statuendum corr.; statuendo P; Huschke l. c.

§ 1: fideiubeant T; spondeant P; fideiussuram T; sponsuram P; Lenel Paul. 259; Krüger Dig. ad h. l.

§ 2: fideiussit T; spopondit P; Lenel Paul. 259; Krüger Dig. ad h. l.

§ 3: fideiussor T; sponsor P; fideiussori T; sponsori P; Lenel Paul. 259; Krüger Dig. ad h. l.

§ 4: cuius corr.; is, cui P; (lin. 18) per corr.; super P? Huschke SZ 9, 342.

§ 5: posse et corr.; posse, set P; Fuchs Krit. Studien 55.

9: fideiussores T; sponsores G; Lenel Gai. 124; Krüger Dig. ad h. l.; judicibus T; recuperatoribus G; Perrot, L'Appel dans la procédure de l'Ordo Iudiciorum, Paris 1907, 86.

10 pr.: 1. fideiussores T; sponsores P; Lenel Paul. 819; Krüger Dig. ad h. l.

2. a) d. cum — deferri T; Faber Ration. ad h. l. (1, 125); — b) competentem iudicem T; Grad. SZ 7, 64; consulem P? Lenel Paul. 819.

§ 1: fideiussores T; sponsores P; fideiussoribus T; sponsoribus P; Lenel Paul. 819; Krüger Dig. ad h. l.

11: fideiussores T; sponsores U; Lenel Ulp. 1670; Krüger Dig. ad h. l.

12: de hereditate T; pro praede litis et vindiciarum U; Lenel Ulp. 1697.

15 pr.: totum locum T^i esse putat Bonfante Stud. Schupfer 1, 5.

§ 1: d. id est emphyteuticum T; Savigny Besitz 117 n. 3; Alibrandi Possesso 39 n. 1 = Opere 1, 246 n. 1; Lenel Macer 6; Dernburg Pand. 1, 630 n. 12; Leonhard Real-Enc. 5, 2515; Ferrini Pand. 502 n. 7; Krüger Dig. ad h. l.; solam T? nudam M? possessor[2] (lin. 18) — esse T; vel tantum usum fructum possessorem esse M; Pampaloni Bull. 22, 128.

§ 2: pignus T; fiduciam M; Kniep Vac. poss. 245.

16: 1. quaedam esse T^i susp. Schlossmann SZ 24, 327;

2. iudicio sisti T; vadimonium P; Lenel Paul. 150; EP § 17—24; Krüger Dig. ad h. l.

D. si ex noxali causa agatur, quemadmodum caveatur 2, 9.

1 pr.: a) d. Si quis — promisit T; Lenel Ulp. 295; EP 82; — b) iudicio — promisit T; defendat U; Naber Mnem. 1893, 379.

§ 1: a) d. itaque — sisti T? Mitteis Mél. Girard 2, 231; — b) venditus T; mancipio datus? in iure cessus vel mancipio datus? U; Mitteis l. c.

D. si ex noxali causa agatur 2, 9

2 pr.: d. Sed — utimur T; Riccobono Lez. d'ist. di dir. rom. 1906, 317 n. 4.
§ 1: 1. d. Si — competit T; Lenel SZ 20, 7; 2. a) aut: d. iudicio T; aut: iudicio T; in eadem causa P; aut: iudicio — sisti T; vadimonium P? Rudorff ZRG 4, 66 n. 118; — b) iudicio — sisti T; vadimonium P; Lenel Paul. 153; EP § 17—24; Krüger Dig. ad h. l.; 3. aut corr.; ut P; cauturum corr.; caveat P; Naber Mnem. 1893, 381; post scribit quaedam excidisse putat Lenel SZ 20, 7.
4: noxalis T? noxali G? Segrè Mél. Girard 2, 578 n. 1.

D. de eo per quem factum erit quominus quis in iudicio sistat 2, 10.

1 pr.: iudicio sisti T; vadimonium sistere U; Lenel Ulp. 299; Krüger Dig. ad h. l.
§ 1: iudicio T; vadimonium U; Lenel Ulp. 299; Krüger Dig. ad h. l.
§ 2: 1. a) venienti ad iudicium T; in ius eunti U; Bes. 2, 117; — b) ad iudicium T; in ius U; Lenel Ulp. 299; Krüger Dig. ad h. l.; contra Wlassak Röm. Proz.-Ges. 2, 44—47; 2. d. triste Gl? d. propter — venire Gl; Bes. l. c.
§ 3: ad iudicium T; in ius U; Lenel Ulp. 299; Krüger Dig. ad h. l.; contra Wlassak Röm. Proz.-Ges. 2, 44—47.
§ 4: praestiterit poenam T; conventus fuerit U; Perozzi Ist. 2, 112 n. 2; liberantur — intersit T; non liberantur U; Bonfante Le obbl. (Parva 1911—12), 122.
§ 6: hactenus — lucretur T; De Francisci Azioni penali 74.
2: in iudicio T; vadimonium P; Lenel Paul. 155; EP § 17—24; Bremer Jur. anteh. 1; 342; Krüger Dig. ad h. l.; d. si — fecerit T; Pampaloni Stud. Senesi 16, 38.
3 pr.: in iudicium vocatus T; vadimonium J; Lenel Jul. 28; EP § 17—24; competit T? danda est J? Segrè Stud. Moriani 2, 299 n. 1.
§ 1: in iudicio T; „vadimonium" aut „in iure" J; Lenel Jul. 28; EP § 17—24; Krüger Dig. ad h. l.; competere T; dari J; P. Krüger SZ 16, 4; Dig. ad h. l.; cf. Seckel s. v. restitutorius 1 b.
§ 3: ad iudicium T; in ius J; Lenel Jul. 28; EP § 17—24; Krüger Dig. ad h. l.; contra Wlassak Röm. Proz.-Ges. 2, 44—47; d. ab — compensando T; Kalb RJ 139 n. 1; Pernice Labeo 2, 1, 90 n. 1, 92; Ferrini Dir. pen. 218.
§ 4: fideiussore T; sponsore J; iudicium (ter) T; ius J; fideiussor T; sponsor J; Lenel Jul. 28; EP § 17—24.

D. si quis cautionibus in iudicio sistendi causa factis non obtemperaverit 2, 11.

1: 1. cautum: a) d. T; Schlossmann SZ 24, 325 n. 1; cf. Krüger Dig. ad h. l.; — b) T; vadimonium G; Lenel Gai. 55; de Ruggiero Stud. Fadda 2, 107 in n.; 2. a) iudicium T? ius G? Lenel Gai. 55; Krüger Dig. ad h. l.; — b) in iudicium T; Romam G; Kniep RG 247.
2 pr.: iudicio sisti[1] T; vadimonium sistere U; Lenel Ulp. 1651; iudicio sisti[2] T; vadimonium U; Lenel l. c.; Naber Mnem. 1889, 124; cum corr.; quin U; Fuchs Krit. Studien 28; d. nisi — placuerit T; Faber Ration. ad h. l. (1, 136); Eisele SZ 10, 299; Seckel s. v. nisi, specialiter.
§ 1: iudicio T; iure U; Lenel Ulp. 1652; Krüger Dig. ad h. l.
§ 2: iudicium T; vadimonium U; Lenel Ulp. 1652.
§ 3: 1. iudicio — sisti T; vadimonium U; Lenel Ulp. 1653; 2. a) d. cum — est T; Eisele SZ 21, 11 n. 2; — b) tali promissione T; vadimonio U; Lenel l. c.
§ 4: 1. iudicio T; vadimonium U; Lenel Ulp. 1653; Krüger Dig. ad h. l.; 2. a) inter ei — dandam excidisse „non" putat Cuiac. 3, 343 D; — b) ei dandam corr.; denegandam U; Huschke SZ 9, 343.
§ 7: stet corr.; exstet U; Huschke SZ 9, 343.
§ 8: promissionis (bis) T; vadimonii U; Lenel Ulp. 1653.
§ 9: iudicium T; vadimonium U; Lenel Ulp. 1654; Krüger Dig. ad h. l.; contra Wlassak Röm. Proz.-Ges. 2, 45 n. 47.
4 pr.: iudicio — se T; vadimonium sistere U; fideiussoribus T; sponsoribus U; Lenel Ulp. 1655; Krüger Dig. ad h. l.
§ 4: promissione — facta T; vadimonio deserto U; Lenel Ulp. 1657; Krüger Dig. ad h. l.; d. ita; si — est T; Cuiac. 3, 394 C; 10, 1075 D.
§ 5: iudicio sistendi T; vadimonii U; fideiussoribus (bis) T; sponsoribus U; iudicio — causa T; vadimonium U; Lenel Ulp. 1657; Krüger Dig. ad h. l.
5 pr.: iudicio se sisti T; vadimonium P; Lenel Paul. 778; EP § 269; Krüger Dig. ad h. l.
§ 1: 1. ad iudicium: a) T; in ius P; Lenel Paul. 778; EP § 269; nunc dubitat; — b) T; ad vadimonium P; Naber Mnem. 1889, 125; — c) an sint T[i] dubitat Wlassak Röm. Proz.-Ges. 2, 44—47; — d) T; Krüger Dig. ad h. l.; 2. a) d. contempta — facta; ab[2] — desertionis T; Naber l. c.; — b) contempta — facta T; contempto vadimonio P; Lenel l. c.

D. si quis cautionibus in iudicio 2, 11

§ 2: 1. a) a — gratia T; patri factum fuerit vadimonium P; Naber Mnem. 1889, 125; — b) facta — gratia T; factum fuerit vadimonium P; Lenel Paul. 778; EP § 269;

2. eius promissione T; vadimonio P; Naber l. c.

6: fideiussorem (bis) T; sponsorem G; Lenel Gai. 424; Krüger Dig. ad h. l.; liberum esset non corr.; liberum non esset G; Fuchs Krit. Studien 93.

7: in iudicio T; „vadimonio" aut „in iure" P; Lenel Paul. 779; EP § 269; d. vel — est T? d. vel — familias T? Seckel s. v. potestas (444a); fideiussit T; spopondisset P; Lenel Paul. 779; cf. Krüger Dig. ad h. l.

8: 1. quaedam esse T[i] susp. Ferrini Pand. 612 n. 5;

2. iudicio T; Krüger Dig. ad h. l.

9 pr.: iudicio — sisti T; vadimonium U; fideiussores T; sponsores U; Lenel Ulp. 1694; Krüger Dig. ad h. l.

§ 1: iudicio sistendi T; vadimonii U; Lenel Ulp. 1694; Pernice Labeo 2, 1, 299; Bremer Jur. anteh. 2, 1, 139; Krüger Dig. ad h. l.; d. verum — convenitur T; Ferrini Pand. 613 n. 2; Perozzi Ist. 2, 138 n.; genuinum esse censet Berger Strafklauseln 73.

10 pr.: a) eum — promisero T; „pro eo vindex extitero" similiave P; d. quia — tenebatur T aut Gl; d. ut — defendam T; Lenel Paul. 1071; SZ 25, 251; contra Schlossmann Wiener Ztschr. 32, 212, 230 sq.; — b) eum — sisti T; Krüger Dig. ad h. l.; — c) dicebatur T; dicetur P; tenebatur T; „tenebitur" aut „tenetur" P? Schlossmann l. c.; — d) d. quia — tenebatur T; Eisele SZ 11, 15.

§ 2: 1. a) stipulatus — est (lin. 15) T; vadimonium stipulatus erat: ante litem contestatam deserto ab adversario vadimonio mortuus est P? Lenel Paul. 1073; — b) stipulatus — sistat T; vadatus erat adversarium P; Naber Mnem. 1889, 121 sq.; — c) verba ante — contestatam post verbum stipulatione transfert Huschke SZ 9, 343; — d) iudicio T; Krüger Dig. ad h. l.;

2. stipulatu (ter) T; vadimonio P; Naber l. c.; tales stipulationes T; vadimonia P; Lenel l. c.; stipulatio — facta T; a) vadimonii actio P? Lenel l. c.; — b) actio ex vadimonio P; Naber l. c.; — inter causa — danda excidisse putat „actio"; omissa corr.; amissa P; esse et corr.; esset P; Huschke l. c.; stipulatione — commissa T; vadimonio deserto P; fideiussores T; sponsores P; Lenel l. c.; cf. Krüger Dig. ad h. l.;

D. si quis cautionibus in iudicio 1, 11

3. d. si non — potuisset T; Faber Ration. ad h. l. (1, 143);

4. d. longum tempus T; a) rerum actum P? Ubbelohde Unteilbare Obligationen 175 n. 58; Lenel l. c.; — b) conventionem P; Naber Mnem. 1900, 439;

5. ad iudicium: a) T; in ius P; Lenel l. c.; nunc dubitat; cf. Krüger Dig. ad h. l.; — b) T; ad vadimonium P; Naber Mnem. 1889, 121 sq.; — c) genuina esse censet Wlassak Röm. Proz.-Ges. 2, 46 sq.

11: in iudicio T; vadimonio U; Lenel Ulp. 2934.

13: iudicio — causa T; vadimonium J; fideiussores T; sponsores J; Lenel Jul. 723; EP § 280; Krüger Dig. ad h. l.

15: iudicio sisti T; vadimonium P; Lenel Pap. 78; Naber Mnem. 1889, 124; Krüger Dig. ad h. l.; stipulatu T; vadimonio P; Naber l. c.; d. nam — est T; Solazzi Bull. 23, 17.

D. de feriis et dilationibus et diversis temporibus 2, 12.

1 pr.: 1. quaedam esse T[i] susp. Pernice SZ 14, 158 n. 5;

2. iudicium a) T; vadimonium U; Lenel Ulp. 2271; — b) T; tribunal U? Pernice l. c.; Seckel s. v. iudicium 6 b; — c) genuinum esse censet Wlassak Röm. Proz.-Ges. 2, 47 n. 47;

3. d. quia — sunt T; Pernice l. c.; Bes. 2, 35.

§ 1: 1. totum locum T[i] esse putat Bes. 2, 35;

2. aut T; aut praeses U; Grad. Wiener Ztschr. 18, 348 n. 21.

§ 2: d. hoc — peremptura T? Lenel Ulp. 2271; d. cogi — est T; Bes. 2, 49.

6: d. Si — iudicatum (lin. 13/14) T? Seckel s. v. iudicium 1 c α.

7: a) d. quidem; sed — debeat T; Faber Ration. ad h. l. (1, 149); — b) d. quidem; sed — emergat T; Di Marzo Temi siciliana 2, 148; — c) d. sed — emergat T; Kalb JL 1888, 62 n. 2; Lenel Ulp. 2053.

D. de edendo 2, 13.

1 pr.: quaedam esse T[i] susp. Wlassak SZ 25, 168 n. 3.

§ 1: 1. d. etiam T; Naber Mnem. 1894, 257 sq.;

2. a) quod dictaturus corr.; ex quo edicto acturus U; Huschke SZ 9, 343; — b) quod T; iudicium quod U; Naber l. c.;

3. id dicendo a) corr.; iudicium U; Huschke l. c.; — b) T; interdictum U; Naber l. c.

§ 2: praelato corr.; prolato U; Huschke Darl. 121.

D. de edendo 2, 13

3: Mauricianus corr.; Modestinus inscr. Bluhme ZGRW 4, 442.

4 pr.: exercitores T; exercitores ei qui iuraverit non calumniae causa postulare edi sibi U; Lenel Ulp. 231; EP 62.

§ 1: confecit corr.; conficitur ut U; Huschke SZ 9, 343.

§ 5: d. quod[2] (lin. 31) — sumptibus T; Faber Ration. ad h. l. (1, 154); Lenel Ulp. 232.

6 § 1: successores T; heredes U; et[1] (lin. 4) T; si U; d. et unus ediderit; quid — possit; igitur; etiam — debent T; certe unius corr.; certe debent unius U; Bes. 1, 61.

§ 3: 1. a) d. credendi corr.; Eisele Comp. 20 n. 21; — b) inter credendi — obligandi excidisse putat „debendi"; solvendi sui corr.; solvendive U; Huschke SZ 9, 344; — c) d. credendi; sui Gl; *Βασῆς* Adnot. 155;

2. inter mandatum — compellendum excidisse putat „susceperit" U; Huschke l. c.;

3. a) sed — debet; quaedam esse T[i] susp. Cuiac. 9, 260 E; 10, 389 B; — b) d. et (lin. 14) T; Huschke SZ 9, 344; — c) constituit T; recepit U; Lenel SZ 2, 67 n. 143; Ulp. 234; Krüger Dig. ad h. l.

§ 4: inter interfuit — actio excidisse putat „actoris" Huschke SZ 9, 344.

§ 5: hoc edictum T; formulam U? Lenel EP 63 n. 2; d. si (lin. 20) — sit T; Eisele Cogn. 190 n. 125.

§ 9: d. ex causa (lin. 28) Gl; *Βασῆς* Adnot. 156; d. vel[3] (lin. 29) — casu T; De Medio Bull. 20, 179.

7 pr.: d. vel[2] (lin. 33) — iubebit T; De Medio Bull. 20, 179.

8 pr.: d. sed — proximam aut nisi — proximam; in — edidit T? Pernice Labeo 2, 2, 1, 177 n. 7; cf. 2, 1, 161 n. 2.

§ 1: hoc edictum T; hanc formulam U; Lenel EP 63 n. 6; d. locum Gl; Faber Ration. ad h. l. (1, 158); non habebit corr.; habebit U; Scialoja Dig. Milan. ad h. l.

9 § 1: d. aut[1] (lin. 15) — dominus; quia (lin. 17) — significatur T; Longo Bull. 14, 165; d. quod si — edere T; Faber Ration. ad h. l. (1, 159).

§ 2: d. nummularii — argentarii; quia; quarum — decurritur T; Bes. 2, 92 sq.

10 § 1: d. absimiles eis Gl; Faber Ration. ad h. l. (1, 161); Kalb JL 78 n. 3.

D. de pactis 2, 14.

1 pr.: d. quid — servare T? Seckel s. v. fides 2 b; Bes. 1, 52.

§ 1: quaedam esse T[i] susp. Perozzi Obbl. rom. 32, 33 in n.

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§ 2: 1. quaedam esse T[i] susp. Perozzi Obbl. rom. 32, 33 in n.;

2. d. pluriumve T? (cf. D. 50, 12, 3 pr.); Segrè Riv. ital. 43, 352 n. 1.

§ 3: 1. quaedam esse T[i] susp. Perozzi Obbl. rom. 32, 33 in n.;

2. d. id — decurrunt T; Eisele SZ 13, 133; Bes. 2, 93; sive verbis T; sive verbis sive litteris U; Pernice SZ 9, 198 n. 5; Lenel Ulp. 240.

§ 4: totum locum esse T[i] putat Perozzi Stud. Schupfer 1, 173 n. 1; Obbl. rom. 49 in n.

2 pr.: vel re T; vel ore vel re P; Naber Mnem. 1897, 32; d. consensu; Naber l. c. 31 n. 6.

§ 1: inter cautionem — videtur excidisse „quia" putat; profuturamque corr.; profuturam P; Huschke SZ 9, 344.

3: d. nisi — probetur T; Faber Ration. ad h. l. (1, 165); Grad. Itp. 207; Eisele SZ 10, 299.

4 § 3: etiam corr.; enim P; et corr.; respondit etsi P; Huschke SZ 9, 344.

5: quotiens corr.; quotiensve U; Huschke SZ 9, 344.

6: totum fr. non esse Pauli putat Pernice SZ 9, 198 n. 4.

7 pr.: quaedam esse T[i] susp. Perozzi Ist. 1, 70 n. 1; cf. Obbl. rom. 125 n. 1.

§ 1: 1. totum locum esse T[i] censet Perozzi Stud. Schupfer 1, 173 n. 1; Obbl. rom. 49 in n.; cf. 125 n. 1; de Ruggiero Bull. 19, 36;

2. in suo T; communi U; Naber Mnem. 1895, 351;

3. d. et — contractus T; Scialoja Bull. 14, 10 n. 2.

§ 2: 1. quaedam esse T[i] susp. Perozzi Ist. 2, 281 n. 1; Obbl. rom. 125 n. 1;

2. hoc — nasci T; et — hoc T; Bes. 2, 158;

3. a) ille — actio T; Bes. l. c.; — b) d. id — verbis T; Grad. Itp. 135; Lenel Ulp. 242; — c) d. unde — actio T; Erman SZ 25, 338.

§ 3: quaedam esse T[i] censet Perozzi Obbl. rom. 125 n. 1.

§ 4: 1. totum locum esse T[i] censet Perozzi Stud. Schupfer 1, 185; cf. Obbl. rom. 125 n. 1;

2. hic corr.; iure civili U; Huschke JA [5] 477 n. 7 (ad Paul. Sent. 2, 14, 1).

§ 5: 1. fere totum locum T[i] esse susp. Rotondi Bull. 24, 110 sq.;

2. tempore — dilationis T; annua bima trima die U; Cuiac. 9, 507 E; Lenel Ulp. 242; Grad. SZ 7, 55; ea — sunt ex parte T[i] esse susp. Pernice Labeo 3, 1, 23 n. 4; d. ex intervallo T; Pernice Krit. Vjschr. 10 (1868), 95; d. extra — contractus T; Rotondi l. c.; d. quod — dicendum T; Longo Stud. Moriani 1906, 1, 197.

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§ 6: 1. quaedam esse T^i susp. Pernice SZ 9, 212 n. 1;

2. exceptiones corr.; et pactiones U; Huschke SZ 9, 344;

3. a) d. in — iudiciis T; Bes. 2, 85 sq.; — b) d. ceterisque — iudiciis T; Perozzi Stud. Schupfer 1, 178 sq.;? Scialoja Bull. 14, 10 n. 2;

4. d. si — potest (lin. 2) T; Levy Sponsio 153 n. 4; Bes. l. c.; d. quod (lin. 2) — potest (lin. 5); quasi — emptione T; Bes. l. c.; inter sed — cum excidisse putat „et" Huschke l. c.;

5. a) d. utrumque — Pomponius T; Bes. l. c.; — b) post Pomponius excidisse putat „ait" Huschke l. c.

§ 7: edicta F; edicta decreta scr.; Lenel Ulp. 243; EP 65 n. 3.

§ 8: d. id — petam T; Eisele SZ 18, 38.

§ 12: pactorum T? instrumentorum U? d. tantum T? d. etiam T? Segrè Riv. ital. 28, 244 n. 160, ib. 43, 352 n. 1; d. nisi — paciscentium T; Wissenbach Emblem. 14; Grad. SZ 7, 80; Lenel Ulp. 246; Eisele SZ 10, 299; cf. Bertolini Appunti didatt. di dir. rom. 70; Bortolucci Bull. 23, 98 n. 1.

§ 13: 1. a) ne — agatur corr.; ne iudicati prove iudicato velut depensi mecum agatur U; Huschke SZ 9, 345; — b) pro — aedium T; iudicati vel proiudicati vel depensi adversus me U? Lenel Ulp. 247 (quod iam non probat, cf. EP 398); — c) pro iudicati T; iudicati U; Eisele Abh. 183; cf. Lenel EP 398.

2. pactum valet T? pactum non valet U? Wenger Actio iudicati 87—91.

§ 15: a) valet pactum T; non valet pactum U; d. valere nec T; di Marzo Onoranze al prof. Lilla 159 sq.; — b) sed — valere genuinum esse censet; d. nec — servandam T? Segrè Stud. Fadda 6, 350 n. 1; sed ut genuinum censeat proclivior est in Bull. 19, 204 n. 1; — c) d. nec — servandam T; Bes. 1, 84.

§ 16: 1. totum locum T^i esse putat Faber Ration. ad h. l. (1, 176 sq.);

2. pleraque esse T^i susp. Eisele SZ 30, 99;

3. Et corr.; at U; nec legari corr.; et non ineleganter U; Huschke SZ 9, 345; legari T? damnationem factam U? Lenel Ulp. 247.

§ 18: a) d. quod (lin. 16) — respuenda T; Faber Ration. ad h. l. (1, 178); — b) inter quod — in excidisse „et" putat Huschke SZ 9, 345; — c) d. immo — respuenda T; H. Krüger Exc. doli 1, 113 n. 29.

§ 19: totum locum T^i esse putat Albertario Hodie (Pavia 1911); Bes. 2, 97.

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8: d. quod si — est (lin. 29) T; Grad. Itp. 62; H. Krüger SZ 19, 29; Bes. 2, 53, 97.

9 pr.: a) d. nec non — accipitur T; Grad. Itp. 58; — b) d. nam nec — accipitur T; Perozzi Ist. 1, 127 n. 1.

§ 1: totum locum T^i esse putat Grad. Itp. 59.

10 pr.: 1. sed — absentes: quaedam esse T^i censet Faber Ration. ad h. l. (1, 182);

2. a) et (lin. 8) — sunt T? Bes. 2, 23; — b) fiscum T; aerarium U; his — habet T; Grad. Itp. 20 et 89; contra Manigk, Pfandr. Untersuch. 1, 1, 120 sq.; — c) d. in his — privilegiarios; haec — sunt T; Faber l. c.; — d) d. in his — habet; haec — sunt T; Lenel Ulp. 249; Fehr Pfandrecht 65; — e) conservanda corr.; observanda U; Huschke SZ 9, 346.

12: sive[1] T; si U; d. sive[2] — fuit T; Oumé Transaction (Paris 1889) 168 sq.; contra Bertolini Della transazione sec. il d. r. (Torino 1900), 129 cum aliis.

13 pr.: a) tantum — procurator T; cognitor P; Eisele Cogn. 71 n. 46; — b) si — sit T; cum cognitore P; Lenel Paul. 125.

§ 1: procurator T; cognitor P; Eisele Cogn. 71 n. 46 (Beitr. 147); Lenel Paul. 125.

14 in fine: „societatibus" fortasse excidit; Kniep Soc. publ. 251.

16 pr.: a) nam — potest Gl; Bes. 2, 3 sq.; — b) merito — potest: quaedam esse T^i susp. Eisele SZ 27, 59 n. 1.

17 § 5: d. qui — sit T; Longo Bull. 14, 247.

20: d. si hoc maluerit T; Lenel Gai. 61.

21 § 1: d. de doli — exceptio (lin. 22) T; Faber Ration. ad h. l. (1, 194).

§ 2: Titio corr.; filio P; inter competit — Iulianus excidisse „et id" putat Huschke SZ 9, 346; d. sed doli prosit T; Faber Ration. ad h. l. (1, 196).

22: totum locum esse T^i censet Albertario Fil. 1911, 810.

23: quaedam esse T^i susp. Huschke Gai. 80.

24: fideiussor T; sponsor P; Levy Sponsio 3 n. 9.

25 § 2: totum locum T^i esse susp. Faber Ration. ad h. l. (1, 202).

26: 1. totum locum T^i esse susp. Faber Ration. ad h. l. (1, 202);

2. videlicet — petatur T? Seckel s. v. videlicet.

27 pr.: sociis genuinum esse censet Vangerow Pand.[7] 3, 96; d. idem Labeo — verum Gl; Savigny Obligat. 1, 175; d. idemque — est T? Bonfante Obblig. Pavia 1911—12, 99 sq.

§ 1: a) quidam T? d. quamquam — intersit T? exceptionem T? doli excep-

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tionem P? d. non — videmur T; Bes. 2, 69; — b) d. quo — utimur T; Riccobono Lez. di ist. di dir. rom. 1906, 317 n. 4.

§ 2: 1. quaedam esse T^i susp. Di Marzo bonae fidei contr. 9;

2. a) inter stipulationem — si excidisse „sed“ putat *Βασῆς Κριτικά* 2; cf. Adnot. 182; contra *Μυλωνᾶς Ἐπιθεώρησις* 1908, 184; — b) d. si hoc actum est T; Lenel Paul. 128; Krüger Dig. ad h. l.; contra *Μυλωνᾶς Ἐπιθεώρησις* 1908, 184;

3. et (lin. 29) — contractibus: genuinum esse censet (cf. Consult. 4, 4) Segrè Stud. Fadda 4, 366 n. 2; d. quod (lin. 33) — potest T; tempore — dato T; quotiens — redditur T; Longo Stud. Scialoja 1, 611; cf. Bes. 2, 23.

§ 3: 1. quaedam esse T^i susp. Di Marzo Onoranze al prof. Lilla 159 sq.;

2. vi corr.; re P; *Βασῆς* Adnot. 156;

3. quamvis T; ut P; inter pactum — proderit excidisse putat „non“ Albertario Bull. 25, 35.

§ 5: a) d. item — debeam T; Pernice Labeo 2, 1, 298 (cf. H. Krüger Exc. doli 105); Krüger Dig. ad h. l.; — b) efficeretur corr.; efficietur P; *Βασῆς* Adnot 156.

§ 6: a) d. nam — opponenda T; Eisele SZ 18, 12; — b) d. nulla — opponenda T; Kalb JL 71.

§ 7: pro petendo fortasse scribendum esse „petenti“ susp. Wlassak Cognitur 13 n. 15.

§ 8: pactum erit corr.; pacto inerit P; Huschke SZ 9, 346; d. nisi — est T; Faber Ration. ad h. l. (1, 213); Eisele SZ 10, 300; Seckel s. v. nisi, specialiter.

28 pr.: quaedam esse T^i susp. Grupe SZ 16, 306; 17, 314.

§ 1: utile corr.; utilius G; Pernice Labeo 2, 1, 90 n. 2; Kalb Archiv f. lat. Lex. 1, 92.

29: sin autem T; Albertario Contr. alla cr. del D. Pavia 1911, 43.

30 § 1: quaedam esse T^i censet Faber Ration. ad h. l. (1, 221).

33: promisit T; dixit C; Cuiac. 3, 318 C; d. exceptione conventionis T; d. quippe — est T; inter nec — quicquam excidisse putat „enim“ Bes. 2, 69 sq.; providere corr.; provideri C; Kalb RJ 46; d. ceteris — consuli T; Bes. l. c.

34: inter esse — Iuliani excidisse „se“ putat Kalb RJ 97.

36: d. aut¹ — si T; Siber Passivlegitimation 12.

40 § 1: iudex appellationis T? Seckel s. v. iudex.

D. de pactis 2, 14

§ 3: inter doli — proderit excidisse „non“ putat *Βασῆς* Adnot. 156; d. cum — videatur T; Bes. 2, 70.

42: quaedam (forma) esse T^i putat Bes. 2, 23.

44 § 5: ut — ita T; licet enim ususfructus usucapi potest, attamen P; Pampaloni Bull. 22, 125.

45: 1. quaedam (traditione vel) esse T^i putat Pernice Labeo 3, 1, 89 n. 7; Ferrini Pand. 678 n. 2;

2. traditione T; vel mancipatione vel traditione H; Lenel Hermog. 31.

46: d. nec — constituere T? Levy Sponsio 202.

47 § 1: ante summam nil excidisse censet Mitteis SZ 19, 208 (contra Mommsen).

48: a) traditionibus rerum T; mancipationibus G; Pernice Labeo 3, 1, 21 n. 4; 89 n. 7; Krit. Vjschr. 10, 95; — b) traditionibus T; mancipationibus G; Mommsen Jur. Schr. 3, 461; Lenel Gai. 430.

50: d. et ceteris similibus T? Scialoja Bull. 14, 10 n. 2; d. hoc (lin. 37) — efficiatur T; de Ruggiero Bull. 19, 23 n. 2.

51 pr.: a) pacisci — tuo corr.; pacisci cum debitore tuo U; inter petentem — summovebit excidisse „te“ putat Huschke SZ 9, 346; — b) d. pacisci Gl; *Βασῆς* Adnot. 157.

§ 1: inter debere — existimas excidisse „te“ putat Huschke SZ 9, 346.

52 pr.: inter petitionem — nullam excidisse „ei“ putat Huschke SZ 9, 346.

§ 2: pignori nexi T?; fiduciarii U? Lenel Ulp. 2300; factas corr.; exactas U; Huschke SZ 9, 346.

§ 3: acturis corr.; acturus U; eis corr.; ei U; Huschke SZ 9, 346.

58: 1. quaedam esse T^i susp. Ferrini Pand. 647 n. 4;

2. a) d. locatione — obligationibus T; Perozzi Stud. Schupfer 1, 18; — b) d. ceterisque — obligationibus T; Scialoja Bull. 14, 10 n. 2;

3. d. consensu — sint T; Perozzi Obbl. rom. 74 n. 1; d. quia — admittit; illud — potest T; Perozzi Stud. Schupfer l. c.

62: d. sed — posse T; Albertario SZ 32, 312.

D. de transactionibus 2, 15.

1: transigit (lin. 21) T; decidit U; Naber Mnem. 1898, 226 n. 10; d. aut donationis causa aut liberalitate Gl; Brenkmann apud Peters SZ 32, 376.

3 pr.: quidquid corr.; qui quid S; Krüger Dig. ad h. l.;

D. de transactionibus 2, 15

7 **§ 1:** a) Si — dissoluta: T^i esse susp.; d. si — oportet T; Faber Ration. ad h. l. (1, 252); — b) puto valere T; puto non valere U; si — oportet: pleraque esse T^i susp. Eisele SZ 30, 101.

§ 2: 1. totum locum T^i esse putat Faber Ration. ad h. l. (1, 253);

2. quaedam esse T^i susp. Eisele SZ 30, 102;

3. post verbum ut (lin. 19) excidisse quaedam censet Krüger Dig. ad h. l.; inde corr.; idem U; d. citra — factam T; Bes. 2, 35 sq.

8 **§ 2:** relicta vel corr.; relictave U; d. relicta (lin. 30/31) Gl; Lenel Ulp. 2279.

§ 6: d. citra — auctoritatem; aut — et; quia — intercipi T; Bes. 2, 36.

§ 10: d. ut — transactionis [1] (lin. 20) T aut Gl; Bertolini Della transazione (Torino 1900) 180; Appunti didat. 1905—09, 1009 n. 1, 2.

§ 11: d. in — transigit T; Bertolini Della transazione 180 sq.

§ 13: totum locum T^i esse putat Bes. 2, 117.

§ 17: d. citra — si T? Bes. 2, 36.

§ 20: d. fingi — auctoritatem T; Bes. 2, 36.

§ 21: d. citra — auctoritatem T; Bes. 2, 36.

§ 23: d. ceterum — momenti T; Bes. 2, 36.

§ 25: 1. d. sine praetore T; Bes. 2, 36;

2. a) d. licet — est (lin. 34) T aut Gl; Bertolini Della transazione 164 sq.; cf. Appunti didat. 1013 n. 2; — b) d. licet — est (lin. 34) T; Bes. 2, 36 sq.; — c) d. transactio (lin. 34) Gl; Lenel Ulp. 2286;

3. d. et — praetorem T; Bes. l. c.

9 **§ 3:** nam ea corr.; non U; post iniquum excidisse „enim" putat Scialoja Dig. Milan. ad h. l.; inter id — de excidisse „est" putat; d. id — docetur T; Brenkmann apud Peters SZ 32, 376.

11: d. si — vel T; Naber Mnem. 1898, 267 n. 1.

D. de postulando 3, 1.

1 **pr.:** suaeque corr.; suae U; tuendae et corr.; tuendique U; Huschke SZ 9, 347.

§ 1: vel corr.; a) tantum U; Huschke SZ 9, 347; — b) vero U; Scialoja Dig. Milan. ad h. l.; *Βασῆς* Adnot. 157.

§ 3: excusavit corr.; excludit U; *Βασῆς* Adnot. 157.

§ 4: advocatum T; Riccobono Fontes iuris rom. anteiust. 1, 271 n. 14; defensorem? aut cognitorem? U; Alibrandi De cognitoribus 20 = Opere 1, 16.

§ 5: 1. inter postulent — in excidisse putat „prohibentur"; inter ne — contra excidisse

D. de postulando 3, 1

putat „cum"; d. ne (lin. 23) Gl; Huschke SZ 9, 347; d. quamvis — fungitur T? Faber Ration. ad h. l. (1, 278); ad D. 5, 1, 6 (2, 1, 20);

2. a) d. numquid — exemplis T; Faber l. c.; — b) inter ergo — et excidisse putat „caecus"; verba numquid — deliberabimus transfert post verbum exemplis; d. exstat — gessit; sed melius — prohiberi T; verba idque — exemplis transfert post verbum gessit Bes. 1, 71; — c) d. sed melius — exemplis T; Krüger Dig. ad h. l.

§ 6: d. pedaneos T? Pernice SZ 7, 108; publici iudicii T; capite publico iudicio U; Lenel Ulp. 276; solus corr.; solum U; inter suas — non excidisse putat „num"; tenebitur (lin. 10) corr.; teneri iubetur U; eos, qui — honorari: veterum hanc sententiam a T^o fictam esse Pernice indicat apud Bremer Jur. anteh. 2, 2, 516; venetur corr.; venaretur U; Huschke SZ 9, 347; d. sed (lin. 15) — multabitur T?; Faber Ration. ad h. l. (1, 280).

§ 8: a) d. hoc — postulent T; Lenel SZ 2, 56; EP § 16; — b) etiam — edicto (lin. 24) corr.; etiam omnes qui alio edicto U; Huschke SZ 9, 347.

§ 9: 1. ante Deinde excidisse putat „cum" Huschke SZ 9, 348;

2. a) eum — accipe partim genuina non censet Lenel SZ 2, 61; EP § 16; — b) d. eum — accipe T; Lenel Ulp. 289; — c) d. eum Gl; Huschke SZ 9, 348;

3. si fuerit — impetrabitur partim genuina non censet Lenel Ulp. 289.

§ 10: 1. totum locum T^i esse putat Faber Ration. ad h. l. (1, 282);

2. inter quae — a excidisse putat „a praetore impetratur an de ea quae" Huschke SZ 9, 348.

§ 11: post furiosa excidisse non putat „fatuo fatua" Lenel SZ 2, 61 n. 129.

3 **pr.:** 1. inter aut — de excidisse putat „a me" Huschke SZ 9, 348;

2. tutorum a) T; tribunorum U; Lenel SZ 2, 62 n. 130; Ulp. 290; — b) corr.; tribunorum Huschke l. c.; ? Riccobono Fontes iuris rom. anteiust. 1, 273 n. 1; — c) genuinum censet Lenel EP 78 n. 4; Krüger Dig. ad h. l.;

3. d. curatiove T; Taubenschlag Unters. 19 n. 65 γ.

10: ante Hi quaedam excidisse putat Krüger Dig. ad h. l.

11 **§ 1:** totum locum T^i esse putat Faber Ration. ad h. l. (1, 288); Lenel Tryph. 16.

D. de his qui notantur infamia 3, 2.

1: 1. quaedam T^um^ omisisse putant Alibrandi Atti Accad. rom. Arch. 14, 255 sq. = Opere 1, 32 sq.; Pernice Labeo 1, 244 sq.;
2. Iulianus libro primo a) T; Mommsen Jur. Schr. 2, 93; — b) corr.; Ulpianus libro sexto inscr. Rudorff ZRG 3, 10; — c) Iulianus corr.; Lenel SZ 2, 56; EP § 16;
3. a) d. Praetoris — notatur T; Lenel Ulp. 277; — b) d. infamia notatur T; Lenel SZ 2, 56; EP § 16;
4. inter socio — tutelae excidisse putant „fiduciae" Pernice Labeo 2, 2, 1, 223 n. 2; Lenel Ulp. 277; d. non contrario iudicio T; ? Alibrandi Stud. e doc. 2, 20 sq. = Opere 1, 407 sq.; Lenel EP 77 n. 8; Segrè Stud. Moriani 2, 329 n. 1; qui eam, quae et sq.: cf. Vat. fr. 320; quaedam mutavit T.

2 pr.: d. exercitui — licet; ergo — datus est T; Bes. 2, 37;
§ 5: d. infamis est T aut Gl; Lenel Ulp. 279.

4 § 1: d. ludicram[2] T; Bes. 2, 97; — d. et sane — datur T; Albertario Hodie (Pavia 1911) 11; Bes. l. c.
§ 2: d. ut — officina T; Eisele SZ 11, 13; H. Krüger Arch. f. lat. Lex. 11, 459.

6 pr.: sive[1] — manifesti[2] T; sive concepti sive oblati U; Cuiac. 1, 410 B.
§ 2: 1. inter ideo — nec excidisse putat „cognitor" Lenel Ulp. 282; defensor T; cognitor U; Alibrandi De cognitoribus 15 = Opere 1, 13;
2. nec ego — est: a) quaedam esse T^i^ susp. Koschaker Translatio 267 sq.; — b) d. T; Duquesne Translatio 186 sq., 186 n. 3; — c) inter per — procuratorem excidisse putat „cognitorem vel" Lenel l. c.
§ 3: d. quod — inhumanum T; H. Krüger SZ 19, 38.
§ 4: d. sed — approbavit T; Grad. SZ 7, 84.
§ 5: ut — facio a) d. T; Eisele SZ 11, 14; Lenel EP 79 n. 2; Appleton Rev. gén. 24, 225, 226; — b) partim genuina non censet Pernice Labeo 2, 2, 1, 223 n. 6; cf. Eisele l. c.; contra Geib Bürgschaft 107.
§ 6: d. in deposito vel T; Albertario Bull. 25, 18.
§ 7: 1. totum locum T^i^ esse putat Alibrandi Stud. e doc. 2, 20 sq. = Opere 1, 407 sq.;
2. locum genuinum esse putat Appleton Rev. gén. 24, 223.

7: d. et damnati — attamen T; Ferrini Bull. 14, 220.

8: legitimum tempus T; ? Mommsen Jur. Schr. 3, 357, 358 n. 1; decem menses U; Lenel Ulp. 284.

D. de his qui notantur infamia 3, 2

10 pr.: legitimum tempus T? Mommsen Jur. Schr. 3, 357, 358 n. 1.

11 § 1: legitimum tempus T? Mommsen Jur. Schr. 3, 357, 358 n. 1.
§ 2: legitimum tempus T; ?Mommsen Jur. Schr. 3, 357, 358 n. 1; decem menses U; Lenel Pomp. 20.

13 pr.: ut corr.; aut U; *Βασῆς* Adnot. 158.
§ 6: elocuta corr.; interlocuta U; Fuchs Krit. Studien 24.
§ 8: totum locum T^i^ esse susp. Ferrini Dir. pen. 404, 5.

21: d. cum — praegravari T; Faber Ration. ad h. l. (1, 307); Eisele Beitr. 234; ? Seckel s. v. praegravari; Bes. 2, 86.

22: 1. Marcellus corr.; a) Macer? aut Marcianus? inscr. Bluhme ZGRW 4, 440; — b) Marcianus inscr. Riccobono Mélanges Fitting 2, 476; Krüger Dig. ad h. l. (cf. *ΒΣ* 22, 5, 13);
2. d. in ceteris — est T; Faber Ration. ad h. l. (1, 307); Bes. 2, 23.

23: 1. totum locum T^i^ esse putat Lenel Ulp. 308;
2. quaedam esse T^i^ susp. Cuiac. 3, 613 B; 5, 103 B; Wissenbach Emblem. 16.

D. de procuratoribus et defensoribus 3, 3.

1 § 3: 1. totum locum T^i^ esse putat Seckel s. v. procurator b*a*bb [p. 463 b];
2. procurator T; cognitor U; Keller Litiscontestation und Urteil 325.

7: eius praesentis corr.; eiusmodi praesens U; *Βασῆς* Adnot. 158.

8 pr.: 1. toto loco: procuratorem T; cognitorem U; procurator T; cognitor U; Lenel Ulp. 305; Krüger Dig. ad D. 3, 3;
2. d. vel suspectae vitae T; Seckel s. v. suspectus b; competere T; dari U; P. Krüger SZ 16, 5.
§ 1: procurator T; cognitor U; Pernice Labeo 2, 2, 1, 194 n. 3; Lenel Ulp. 309; Krüger Dig. ad D. 3, 3.
§ 2: 1. quaedam T^i^ esse susp. Alibrandi De cognitoribus 19 = Opere 1, 15 sq.;
2. procuratores; procurator; procuratio T; a) cognitores; cognitor; cognitura U; Lenel Ulp. 310; Krüger Dig. ad D. 3, 3; b) cognitores aut procuratores; cognitor aut procurator; cognitura aut procuratio U? Keller Zivilproz.[6] 276 n. 638;
3. d. nisi — praetermissum est T; Lenel EP 91 n. 4.
§ 3: a) procuratorem T; cognitorem U; procuratori T; cognitori U; Keller Litiscontestation und Urteil 325; Lenel Ulp. 311; Krüger Dig. ad D. 3, 3; — b) Procuratorem —

D. de procuratoribus 3, 3

datum T; Cognitorem U; Eisele Cogn. 51; Beitr. 146; — c) Procuratorem[1] T; Cognitorem U; Alibrandi De cognitoribus 13 = Opere 1, 11.

10: procuratorem T; cognitorem U; Krüger Dig. ad D. 3, 3.

12: procuratorem T; cognitorem G; Lenel Gai. 78; EP § 27; Krüger Dig. ad D. 3, 3.

14: procuratorem T; cognitorem P; Lenel Paul. 173; EP § 27; Krüger Dig. ad D. 3, 3.

15 pr.: 1. totum locum T[i] esse putat Faber Coniect. 12,16 (443, 2), Ration. ad h. l. (1,318);

2. procuratore T; cognitore U; procurator T; cognitor U; procuratorem T; cognitorem U; Keller Litiscontestation und Urteil 326; Lenel Ulp. 311; Krüger Dig. ad D. 3, 3; satis incivile T? Seckel s. v. incivilis.

§ 1: d. duplici — interponenda T; Cuiac. 7, 140E; 8, 87A; 10, 392A; 10, 428B; Faber Coniect. 12,16 (443, 2), Ration. ad h. l. (1,318); Lenel EP 93 n. 5; Ulp. 311.

16: procuratoris T; cognitoris P; Lenel Paul. 175; EP § 28; Krüger Dig. ad D. 3, 3.

17 pr.: procuratorem T; cognitorem U; procuratore T; cognitore U; Lenel Ulp. 313; Krüger Dig. ad D. 3, 3.

§ 1: procuratorem T; cognitorem U; Lenel Ulp. 313; Krüger Dig. ad D. 3, 3; d. et — successoribus T; Longo Bull. 14, 151 sq.

§ 2: procuratore T; cognitore U; Lenel Ulp. 313; Krüger Dig. ad D. 3, 3.

19: procurator T; cognitor U; Lenel Ulp. 313; Krüger Dig. ad D. 3, 3.

24: procuratore T; cognitore P; Lenel Paul. 176; EP § 28; Krüger Dig. ad D. 3, 3.

25: a) procurator; procurationem; procuratione; procuratorem T; cognitor; cognituram; cognitura; cognitorem U; Lenel Ulp. 314; Krüger Dig. ad D. 3, 3; — b) d. nec ferendus — purgans T; Bes. 1, 5; — c) ceterum corr.; certe enim U; *Βασῆς* Adnot. 158.

27 pr.: 1. procuratore; procurator[1] T; cognitore; cognitor U; Lenel Ulp. 315; Koschaker Translatio 46—51; Duquesne Translatio 160—163; Krüger Dig. ad D. 3, 3;

2. a) d. sed — onereris T; Eisele Cogn. 175; — b) sed haec ita T; haec autem omnia etiam in procuratore observabuntur U; Lenel Ulp. 316; — c) sed haec ita T; eadem in procuratore mutando observanda erunt U; Krüger Dig. ad h. l.; — d) d. sed — egit T; Duquesne Translatio 160—163; — e) sed — egit T; haec autem omnia in procuratore observabuntur, si mandato domini egit U; d. ceterum[2] — onereris T; Koschaker Translatio 46—51; — f) cum neque corr.; antequam U; *Βασῆς Κριτικά* 2; Adnot. 101; — g) cum neque genuinum censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 185;

3. a) haec autem — est genuina censet Duquesne Translatio 160—163; — b) procuratoris T; cognitoris U; Koschaker Translatio 46—51; Krüger Dig. ad D. 3, 3.

§ 1: 1. totum locum T[i] esse putat Faber Coniect. 12, 4 (420 2); 19, 19 (848, 2); Ration. ad h. l. (1, 324);

2. procurator; procuratore T; cognitor; cognitore U; Lenel Ulp. 317; Duquesne Translatio 60 n. 1; Krüger Dig. ad D. 3, 3;

3. d. a domino vel T; Krüger Dig. ad h. l.; Duquesne l. c.; procuratore; procuratorem T; cognitore; cognitorem U; Lenel l. c.; Duquesne l. c.; Krüger Dig. ad D. 3, 3;

4. a) d. et licet — tollenda T; Ferrini Obblig. 520; Pand. 603 n. 1; — b) procuratori T; cognitori U; Lenel l. c.; Duquesne l. c.; Krüger l. c.; — c) d. directa — tollenda T; Cuiac. 6, 380B; Gl? Duquesne l. c.; — d) directa — tollenda genuina censet Mühlenbruch Zession[3] 59 n. 108.

28: 1. procurator (quater) T; cognitor U; Keller Litiscontestation und Urteil 326 sq.; Zivilproz.[6] 277 n. 642; Mühlenbruch Zession[3] 70 n. 145; Lenel Ulp. 33; Krüger Dig. ad D. 3, 3;

2. d. actio utilis T; Ferrini Pand. 603 n. 1.

29: procurator T; cognitor U; Keller Litiscontestation und Urteil 326; Krüger Dig. ad D. 3, 3.

30: procurator T; cognitor P; Keller Litiscontestation und Urteil 326; Eisele Cogn. 71 n. 46; Krüger Dig. ad D. 3, 3.

31 pr.: 1. procuratorio; procurator T; cognitorio; cognitor U; Keller Litiscontestation und Urteil 326; Lenel Ulp. 319; Krüger Dig. ad D. 3, 3;

2. d. hoc si — solverit (lin. 32) T; Albertario Contr. alla cr. del D. (Pavia 1911) 14.

32: procuratoribus T; cognitoribus P; procurator T; cognitor P; Lenel Paul. 165; EP 87.

33 § 1: 1. quaedam esse T[i] susp. Grad. Itp. 100;

2. ex[1] — libertatis T; sive ex servitute sive ex libertate U? Seckel s. v. possidere d.

§ 3: 1. inter quis — actionem excidisse non putat „praeter cognitorem“ Lenel EP 97 n. 8;

2. a) quo nomine aget corr.; agit aut quocum eo nomine aget U?; Mühlenbruch Zession[3] 613 n. 163; — b) quo nomine corr.; quocum alieno nomine U; *Βασῆς Κριτικά* 3;

D. de procuratoribus 3, 3

Adnot. 101; — b) quo nomine corr.; quocum alterius nomine U; *Μυλωνᾶς Ἐπιθεώρησις* 1908, 186 sec. Mommsen.

§ 5: d. nisi — pactus T; Ferrini Obblig. 536.

35 pr.: d. procuratorum T; Lenel EP 94; Naber Mnem. 1889, 392.

§ 2: 1. quaedam esse T[i] susp. Pernice SZ 14, 136 n. 5;

2. d. competenti — et (lin. 24) T; Grad. SZ 7, 65.

§ 3: et (lin. 30) — vel corr.; et agendae causae renuntiaverit vel U; Huschke SZ 9, 348.

39 § 1: d. quamcumque actionem T aut Gl; Segrè Mél. Girard 2, 578 n. 1; quarto corr.; quinto Lenel Pomp. 30; Krüger Dig. ad h. l.

§ 7: 1. cf. Vat. fr. 340b: quaedam mutavit T;

2. quaedam esse T[i] susp. Pernice Ulpian als Schriftsteller 463 n. 2 (cf. Vat. fr. 340);

3. d. sed — cogniturus T; Faber Ration. ad h. l. (1, 338); Taubenschlag Unters. 31 n. 17.

40 pr.: d. id — impediatur T; Eisele SZ 18, 38.

§ 2: 1. quid — iudicatum est a) d. T aut Gl; Bes. 1, 61; — b) partim genuina censet Bes. 2, 140;

2. verus procurator T; cognitor U; Lenel Ulp. 336; iudicatae T; secundum me pronuntiatae U; Bes. 2, 140; quinquagensimo corr.; quinquagensimo primo Lenel Ulp. 336; iudicatur (bis) T; pronuntiatur U; Bes. 2, 140.

§ 4: d. ergo — probetur Gl; *Βασῆς* Adnot. 158.

42 pr.: procurator T; cognitor P; procuratorem T; cognitorem P; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3.

§ 1: procurator T; cognitor P; Alibrandi Stud. e doc. 2, 19 = Opere 1, 407; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3; pro — est T; publica est, tamen pro privata utilitate exercetur P; Naber Mnem. 1899, 265 n. 11.

§ 2: a) d. Ea — parit T; Perozzi Obbl. rom. 74 n. 1; — b) procuratorem (ter) T; cognitorem P; Eisele Cogn. 50; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3.

§ 3: procuratorem T; cognitorem P; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3.

§ 4: procuratorem T; cognitorem P; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3.

§ 5: procuratorem T; cognitorem P; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3.

§ 6: procuratorem T; cognitorem P; Lenel Paul. 167; EP 87; Krüger Dig. ad D. 3, 3.

§ 7: fideiussores T; sponsores P; Lenel Paul. 167.

D. de procuratoribus 3, 3

43 pr.: d. forsitan — administrandum T; Faber Ration. ad h. l. (1, 344);? Seckel s. v. forsan.

§ 1: procuratorem dare T; cognitorem dare P; inter prohibitorium — est excidisse putat „commune“ Keller Litiscontestation und Urteil 326, 328 n. 6, Zivilproz.[6] 276 n. 640.

§ 6: 1. quaedam esse T[i] susp. Bremer Jur. anteh. 2, 1, 569;

2. ante Qui excidisse putat „Cognitorem“; ante procuratorem „sicut“ aut d. procuratorem T; Lenel Paul. 185; EP § 32.

45 pr.: 1. quaedam esse T[i] susp. Bremer Jur. anteh. 2, 1, 569;

2. fideiussores T; sponsores P; Lenel Paul. 185.

46 pr.: procuratorem T; cognitorem G; Lenel Gai. 80; EP § 28; Krüger Dig. ad D. 3, 3; debet corr.; debere scripsit G; Lenel Gai. 80.

47: Quaedam T[i] esse susp. Faber Ration. ad h. l. (1, 351).

48: 1. d. si hoc — tunc T; Lenel Gai. 81.

2. aut a) corr.; at G; *Βασῆς Κριτικά* 3 sq.; Adnot. 183; — b) genuinum censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 186;

51 pr.: fideiussoribus T; sponsoribus U; Lenel Ulp. 1392.

55: 1. Quaedam T[i] esse susp. Ferrini Pand. 599 n. 1;

2. a) ante Procuratore excidisse putat „Emptore hereditatis“ Salpius Novation 402; — b) Procuratore T; Cognitore U; procuratori T; cognitori U; Lenel Ulp. 1446;

3. d. pecuniam T; Naber Mnem. 1895, 151;

4. a) d. qui — intendit T; Naber l. c.; — b) rite T; recte U; Bes. 2, 126.

57 § 1: inter exceptionem — procuratoriam excidisse susp. „cognitoriam aut“ Keller Zivilproz.[6] 277 n. 641.

61: a) procuratorem T; cognitorem P; Keller Litiscontestation und Urteil 326; Eisele Cogn. 71 n. 46; Lenel Paul. 1074; Krüger Dig. ad D. 3, 3; — b) genuinum esse censet Bremer Jur. anteh. 2, 2, 235.

62: inter petendum — procurator „cognitor aut“; inter exhibendis — procuratoria „cognitoria aut“ excidisse susp. Keller Zivilproz.[6] 277 n. 642.

63: 1. a) d. neque mobiles — mandatu T; Bonfante Stud. Schupfer 1, 4; — b) neque mobiles — servos T; neque mancipi neque nec mancipi M; Lenel Mod. 18;

2. d. nisi fructus — possunt T; Bonfante l. c.

D. de procuratoribus 3, 3

65: absentem T; absens M; d'Arnaud var. coniect. 130; Bertolini La ratifica degli atti giurid. nel dir. priv. rom. 2, 94; d. hoc — debet T; Eisele Cogn. 170 (ex C. 2, 56 pr. § 1).

67: 1. Vat. fr. 328, 332; quaedam mutavit T; 2. procurator (bis) T; procurator absentis P; Keller Litiscontestation und Urteil 329 n. 9; d. nam — recusat T; Mühlenbruch Zession[3] 73 n. 149.

68: 1. mandato — refragante: a) d. T; Solazzi Bull. 23, 176; Bes. 2, 4; — b) genuinum censet Mitteis SZ 33, 185.

2. non (lin. 25) a) d. corr.; Rudorff ZRG 6, 438 n. 12; Dernburg Krit. Vjschr. 1, 16; — b) d. T; Solazzi l. c.; Schlossmann Stellvertretung 2, 222 n. 4; — c) genuinum censent Mommsen Dig. in Emendandis et Addendis ad h. l.; Vangerow Pand.[7] 3, 299.

69: ad litem suscipiendam genuina esse susp. Wlassak Cognitur 49 n. 7; ad — procuratorem P? cognitorem P? Lenel Paul. 1457; Krüger Dig. ad D. 3, 3.

72: 1. quaedam Tⁱ esse susp. Dernburg Pand. 1, 204;

2. a) d. non semper T; Cuiac. 10, 979B; Wissenbach Emblem. 17; Mühlenbruch Zession[3] 102 n. 209; — b) d. semper T; Faber Ration. ad h. l. (1, 363); Vangerow Pand.[7] 73, 290; Lenel Paul. 981;

3. a) reum — tempus T; sponsorem conveniat intra biennium P; Lenel l. c.; Krüger Dig. ad h. l.; — b) legitimum tempus T? Mommsen Jur. Schr. 3, 358.

73: 1. procuratore T; cognitore P; Eisele Cogn. 93; Lenel Paul. 1051; de Ruggiero Stud. ec.-giur. di Cagliari 1, 129, 166 n. 1, 170; Krüger Dig. ad D. 3, 3; d. quid[1] — nam T; Faber Coniect. 12, 16 (444, 1); De error. 22, 5 (295, 1); Ration. ad h. l. (1, 363);

2. a) d. propter — dirimendum est T; Bes. 1, 41, 62; — b) d. sed — dirimendum est T; Faber l. c.; — c) d. hoc enim — dirimendum est T; de Ruggiero l. c.

75: quaedam Tⁱ esse susp. Bes. 2, 9.

76: 1. Iulianus respondit a) corr.; Mommsen Jur. Schr. 2, 93 n. 6; — b) aut d. Gl? aut T? Minicius respondit .... Iulianus notat J; Lenel Iul. 872; — c) T; Iulianus notat (Minicius respondit ...) J; Riccobono Bull. 7, 235;

2. fideiussores T; sponsores J; Lenel l. c.

78 pr.: d. Et ideo T; Lenel Afric. 57.

§ 1: procurator T; cognitor A; ?Keller Litiscontestation und Urteil 331 n. 11; Zivilproz.[6] 277 n. 642; Eisele Cogn. 217; Lenel Afric. 57; Krüger Dig. ad D. 3, 3.

D. quod cuiuscumque universitatis nomine vel contra eam agatur 3, 4.

1 pr.: 1. a) Neque — conceditur partim genuina non censet Bertolini Appunti didatt. di dir. rom. 795 n. 2; — b) neque societas T; Kalb JL 76; — c) societas T; societatem G; Haloander; — d) societas T; sodalicium G; Kniep Soc. publ. 291; Cohn Zum röm. Vereinsrecht 178, 179; — e) inter huiusmodi — corpus quaedam excidisse putat H. Krüger SZ 29, 520;

2. ut — sunt (lin. 36) partim genuina non putat Cohn l. c. 160, 161, 18 n. 39 (19).

§ 1: societatis T; sodalicii G; Kniep Soc. publ. 241.

§ 2: d. si admoniti — excitentur T? Dernburg Emtio bonor. 69 n. 2.

§ 3: universitatem T? municipes G? universitatis T? municipum G? H. Krüger SZ 29, 522.

2: d. vel — universitas; vel universitate T? H. Krüger SZ 29, 520.

3: civitatis vel curiae T; municipum U; lex — dedit T; ordo permisit U; Bes. 2, 91.

5: 1. octavo corr.; nono inscr. Lenel Ulp. 331;

2. quaedam esse Tⁱ putat Grad. Wiener Ztschr. 340 n. 5.

6 § 1: 1. eius petendae corr.; a) experiendi P; Huschke SZ 9, 349; — b) eius rei petendae P; Scialoja Dig. Milan. ad h. l.;

2. d. sed hodie — explicari T; Faber Ration. ad h. l. (1, 370); Mitteis RPR 1, 388 n. 41; Albertario Hodie, (Pavia 1911); Bes. 2, 98.

§ 3: 1. universitatis T? municipum P? H. Krüger SZ 29, 521;

2. procuratoris[1] a) T; cognitoris P; Keller Litiscontestation und Urteil 326; Salpius Novation 368; Lenel Paul. 186, EP § 34; — b) genuinum censet Cohn Zum röm. Vereinsrecht 12 n. 27;

3. et[3] T; nec P? Lenel l. c.; procuratoris[2] T; cognitoris P; Keller l. c.; Lenel l. c.

7 § 1: universitati; universitas T? municipibus; municipes U? H. Krüger SZ 29, 521.

§ 2: 1. a) verba In — sint transfert post verbum „municipes" pr. Grad. Wiener Ztschr. 18, 338 sq.; — b) d. vel — universitatibus T; Grad. l. c.; H. Krüger SZ 29, 522; — c) idem corr.; iidem U; Savigny Syst. 2, 244 n. a (sec. Jensium stricturae 1749, 12); — d) d. maneat Gl; Grad. l. c. 338 n. 2;

2. d. universitas; magis — universitatis T; H. Krüger l. c.

8: 1. inter Cassio — Civitatis excidisse putat „An" Kniep RG 156;

D. quod cuiuscumque universitatis 3, 4

2. a) d. per actiones — civitatis T; Kniep l. c.; — b) d. debitorum Gl; Βασῆς Adnot. 159.

D. de negotiis gestis 3, 5.

1: poenae committendae T; vadimonii deserti U? Seckel s. v. poena 2.

2: 1. totum locum T[i] esse susp. Bertolini Appunti didatt. di dir. rom. 1045—46;

2. quidquid (lin. 20) genuinum censet Βασῆς Adnot. 159; d. itaque — gestorum T? Segrè Mél. Girard 2, 585 n. 3.

3 § 4: 1. Pupillus sane a) quaedam ante excidisse putant Krüger Dig. ad h. l.; Peters SZ 32, 260; — b) genuinum esse censet Lenel EP 100 n. 13;

2. d. id Gl; Βασῆς Adnot. 159.

§ 5: inter eamve — dandam excidisse putat „utilem" P. Krüger Arch. z. Pr. 1879, 498; Dig. ad h. l.

§ 8: 1. totum locum T[i] esse putat (suo loco motum aut ad formulam in factum conceptam pertinentem) Lenel Ulp. 348;

2. inter fecerit — dabitur excidisse putat „utilis" Krüger Arch. z. Pr. 1879, 498; Dig. ad h. l.

5 § 5: 1. d. sed (lin. 29) — actione T; Perozzi Ist. 2, 251 n. 1; Pampaloni Bull. 20, 222—223 n. 6;

2. a) non — actionem T? non habet contra me actionem U? Segrè Stud. Scialoja 1, 278 n. 3; — b) d. non; sed — sum T; ante habet excidisse putat „non"; Riccobono Bull. 18, 203 n. 1; Riv. dir. civ. 3, 59 n. 1.

§ 7: ante dabitur excidisse putat „utilis" Krüger Dig. ad h. l.

§ 11: d. extra iudicium T? Seckel s. v. iudicium 1 a α.

§ 12: quae res corr.; atque U; Huschke SZ 9, 349.

§ 14: d. Videamus — administrat T? d. et si — gesturus fuit T; d. et propter — gessit T? Peters SZ 32, 270, 271 n. 1.

7 pr.: d. Si autem — indubitatum est T; Faber Ration. ad h. l. (1, 388).

§ 1: d. tuum vel; tibi vel T; Wlassak apud Mitteis RPR 1, 388 n. 41.

§ 2: a) d. quod si — opponenda est T; Bes. 2, 140; — b) d. quia — opponenda est T; Eisele SZ 18, 14.

§ 3: d. ita — sentiat T? Di Marzo Le L decisiones di Giustiniano 47, 1.

8: probavero — tamen T; probavero tamen: negotiorum S; Krüger Dig. ad h. l.; Bertolini

D. de negotiis gestis 3, 5

La ratifica degli atti giurid. nel dir. priv. rom. 1, 26 n. 3; sed eo corr.; et ideo S; ab corr.; a me S; Huschke SZ 9, 349.

9 pr.: actio sumptuum corr.? Seckel s. v. nisi, specialiter, sumptus; d. nisi — actionem T; Faber Ration. ad h. l. (1, 392); Eisele SZ 10, 300; Seckel l. c.

11 pr.: d. qui — decessit a) T; Lenel EP 103 n. 2; — b) Gl? Lenel Ulp. 357.

§ 1: Inter Sed — si excidisse „et" putant Βασῆς Adnot. 159, Κριτικά 3; Μυλωνᾶς Ἐπιθεώρησις 1908, 187.

12: 1. sexaginta corr.; quinquaginta P; J. B. Koehler Interpr. et Emend. 2, 10 § 5, 117.

2. d. id — restituenda a) T; Eisele SZ 11, 14; J. B. Koehler l. c.; — b) Gl; Lenel Paul. 188.

14: 1. a) initio cuiusque corr.; initium eiusque P; Huschke SZ 9, 349; — b) negotiis — initio corr.; negotiorum gestorum iudicio P; Lenel Paul. 189;

2. d. quid enim — effectus sit T? Albertario Fil. 1911, 820;

3. a) d. nisi — moderatur T; Albertario l. c.; — b) d. nisi — effectus est T? d. hic — moderatur T; Segrè Stud. Moriani 2, 296 n. 1; Stud. Fadda 6, 347; — c) d. nisi — effectus est T; Peters SZ 32, 267; — d) d. et pro — moderatur T; Faber Ration. ad h. l. (1, 397).

15: 1. d. sed unus contractus T; Bes. 2, 7;

2. a) d. nisi — est T; Peters SZ 32, 265 sq.; — b) d. nisi — casu; alius — est T? Segrè Stud. Moriani 2, 296 n. 1; Stud. Fadda 6, 347; — c) d. hoc enim — est T; Bes. l. c.

16: Eum actum corr.; rationem eius actus U; d. ratio eius Gl; locatio fundorum corr.; locati fundi ratio U; Huschke SZ 9, 350; in iudicio deduci corr.; in iudicium deduci U; Scialoja Dig. Milan. ad h. l.

17: d. si aliquid — potest T; Pernice apud Bremer Jur. anteh. 2, 2, 167.

18 pr.: si — debet corr.; sibi postea solvere debuit P; Huschke SZ 9, 350.

§§ 1—5: ex Pauli l. IX ad edictum excerpta esse putat Cuiac. 5, 130 B.

§ 1: 1. verbum debere transfert inter verba „se — quod" Huschke SZ 9, 350;

2. a) d. non — revocet T; Perozzi Obbl. rom. 65 n. 3; — b) dolum aut culpam corr.; dolo aut culpa P; admissam corr.; admissum P; revocet corr.; revocetur P; Huschke l. c.

§ 3: inter rem — et excidisse putat „serves" P; stipulationem — committat corr.;

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stipulatio nomine evictionis committatur P; Huschke SZ 9, 351.

§ 4: quas praestavimus vel a) d. T; Kalb JL 77; — b) genuinum censet Kalb RJ 138.

19: 1. totum locum T[i] esse susp. Segrè Stud. Moriani 2, 293 n. 2;

2. d. apud — constitutus T; Ferrini Bull. 7, 91.

20 § 3: a) d. non — tantum; sed — praestes T; Schulz Wiener Ztschr. 38, 52 sq.; — b) d. quod (lin. 20) — elegeris T; Pampaloni Bull. 20, 229 n. 2.

21: paraverit corr.; comparaverit G; d. ipsa Gl; Huschke SZ 9, 351.

23: d. quidem; non; potest — liberor T; Bonfante Ist.[3] 314 n. 5.

29: d. secundum — est T; Bremer Jur. anteh. 2, 2, 259.

30 pr.: 1. quaedam esse T[i] susp. Schlossmann Jher. Jhb. 28, 329 sq.;

2. a) etiamsi — actionis T; Albertario L'actio quasi institoria (Pavia 1912) p. 29; — b) negotiorum gestorum T; utilis P; Krüger Dig. ad h. l.; — c) d. creditori vel T; Solazzi Bull. 23, 169, 172; — d) d. scilicet — actionis T? Mitteis RPR 1, 227 n. 83; Bonfante Della famiglia Lez. 251; Obbligazioni Lez. 2, 72.

§ 1: d. quoque T; inter Sempronio — tenebitur excidisse „non" putat; d. sed — actio T; Bes. 2, 112, 173; contra Krückmann Jher. Jhb. 56, 294.

31 pr.: 1. quaedam esse T[i] susp. Mancaleoni Fil. (1899) 5, 57 n. 1 (cf. Schlossmann Jher. Jhb. 28, 287 sq.; Lenel Jher. Jhb. 26, 140; Pacchioni Tratt. della gest. d'aff. 659 sq.); contra Costa Papin. 4, 165 sq.;

2. pignora — suscepit T; fiduciam? (aut) fiducias mancipio accepit? P; Fehr Pfandr. 62; Eisele SZ 30, 103; d. existimans — posse T; Bes. 2, 71; quod — redditur T; fiduciae P; ius suum T; rem suam P; Eisele l. c.

33: Nesennius corr.; Nasenius P; essent corr.; esse et P; ut (lin. 33) corr.; cum P; numquid corr.; denique, num de P; Huschke SZ 9, 351, 352; constitit corr.; consistit P; Scialoja Dig. Milan. ad h. l.

34 pr.: a) d. in negotiis gestis Gl; Lenel Scaev. 134; — b) si (lin. 5) transfert inter „gestis — maritus"; inter imputari — non excidisse putat „ei"; et posteaquam corr.; si postea S; quamvis corr.; quamquam S; quantum corr.; quod tum S; ei solvere corr.; exsolvere S; debebit corr.; debuit S; possit corr.; potuisset S; inter

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facere — desinat excidisse putat „posse" Huschke SZ 9, 352.

§ 3: 1. locum genuinum esse censet Peters SZ 32, 200;

2. interfuit — actione T; quia ibi omnimodo ex priore obligatione solvi debuit, et interfuit ut deberetur ex tutelae actione S; Schirmer SZ 21, 355 sq.; cf. Krüger Dig. ad h. l.

35: inter sed — negotiorum excidisse putat „utilis" Krüger Dig. ad h. l.; soluta corr.; solutum P; *Βασῆς* Adnot. 159.

36 § 1: cf. Paul. sent. 1, 4, 3; quaedam mutavit T; Krüger Dig. ad h. l.; Pernice Labeo 2, 2, 1, 145; Grad. Itp. 222; Eisele SZ 10, 300; Schulz SZ 27, 138; Conrat (Cohn) Der westgothische Paulus 6 n. 11.

§ 2: cf. Paul. sent. 1, 4, 7; quaedam omisit T; Krüger Dig. ad h. l.

37: d. a se debitam T; Krüger Dig. ad h. l.; d. bonae fidei iudicio T? Segrè Stud. Moriani 2, 298; licentia, qua corr.; licentiaque Tryph.; *Βασῆς* Adnot. 160.

42: solveres corr.; solveris L; *Βασῆς* Adnot. 160; d. nisi — solvi T; Bremer Jur. anteh. 2, 2, 433.

44 pr.: pertinentes corr.; optinendos U; Huschke SZ 9, 352.

§ 2: quaedam T[i] esse susp. Pernice Labeo 3, 1, 237 n. 4.

46 § 1: 1. totum locum T[i] esse putant Savigny Verm. Schr. 2, 236 n. 3; Ferrini Pand. 600 n. 1; maiorem partem T[i] esse putat Alibrandi Giorn. di giur. 1, 130 = Opere 1, 151; Bull. 2, 153 sq. = Opere 1, 585;

2. d. directa — utili T; Perozzi Ist. 2, 252 n. 4;

3. a) d. quia — effectum T; Wissenbach Emblem. 18; — b) d. quia — maxime T; Faber Coniect. 4, 7 (95, 1); Ration. ad h. l. (1, 428); Codex 2, 40, 1 n. 8; Lotmar Krit. Vjschr. 28, 337—40; — c) d. quia — est T; Mühlenbruch Zession[3] 175; — d) d. extraordinariis — cum T; Seckel-Kuebler Paul. Sent. 1, 4, 10; — e) d. cum — est T; Bluhme ZGRW 4, 348.

47: 1. quaedam esse T[i] susp. Savigny Syst. 5, 72 n. h.

2. locum genuinum esse censet Rudorff RG 2, 10 n. 30.

48: 1. quaedam T[i] esse putat Pernice Labeo 3, 1, 237 n. 4;

2. a) negotiorum gestorum actio T? condictio A? Segrè Stud. Scialoja 1, 279 n. 1; — b) d. negotiorum gestorum Gl; Ferrini Bull. 7, 109; Pand. 715 n. 3; — c) d. negotiorum gestorum T; Pampaloni Bull. 20, 222 n. 6;

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3. sit, ut corr.; est, sicut A; inter gessisses — sicut excidisse putat „et"; quandoque de corr.; quando quidem A; Huschke SZ 9, 352.

D. de calumniatoribus 3, 6.

1 pr.: in factum — competit T; iudicium dabo U? Krüger Dig. ad h. l.

§ 1: inter causis — sed excidisse putat a) „obtinere" Huschke SZ 9, 353; — b) „locum habere" Krüger Dig. ad h. l.

§ 3: 1. inter Sed — et excidisse putat „cum" Huschke SZ 9, 353.

2. a) d. nam — concussionibus T? Faber Ration. ad h. l. (1, 430); — b) nam corr.; iam U; Huschke SZ 9, 353.

§ 4: 1. totum locum T[i] esse susp. Faber Ration. ad h. l. (1, 430).

2. dicemus corr.; dicemur U; Krüger Dig. ad h. l.; accepimus corr.; accepit U; Huschke SZ 9, 353.

5 pr.: d. in id — pervenit; De Francisci, Azioni penali 75; d. nam — quaesitum T; Albertario SZ 32, 319.

§ 1: 1. totum locum T[i] esse putat Faber Ration. ad h. l. (1, 433);

2. a) d. quare — actionem (lin. 28) T; De Francisci Azioni penali 76; — b) d. an vero — sit T; Bes. 1, 71; — c) d. sed puto — actionem (lin. 28) T? Seckel s. v. sufficere 3.

8: d. secundum — dicerentur T?; Faber Ration. ad h. l. (1, 436 s.); Bes. 2, 23.

9: d. citra — aestimationem T; quaeritur transfert post „eius"; d. separatum — datum est T; Bes. 2, 37.

D. de in integrum restitutionibus 4, 1.

2: cf. Paul. Sent. 1, 7, 2; quaedam mutavit T.

3: a) d. scilicet — subvenit T; Eisele Process. Beh. 15; — b) inter examinet — an nihil excidisse putat Savigny Syst. 7, 130 n. a.

4: si corr.; nisi C; *Βασῆς* Adnot. 160.

6: tempus statutum T; annum U; Lenel Ulp. 450; — septimo decimo corr.; quadragensimo septimo Lenel Iul. 641.

7 § 1: totum locum T[i] esse susp. De Medio Di un fallace criterio 4; Bes. 2, 66, 95, 121.

8: publicam corr.; iudicatam M; Goveanus Opera (ed. van Vaassen 1766) 203; Cuiac. 1, 960 C; Savigny Syst. 7, 179 n. o (sec. Burchardi Lehre von der Wiedereinsetzung 446); Vangerow Pand.[7] 71, 328.

D. quod metus causa gestum erit 4, 2.

1: metus T; vi metusque U; Savigny Syst. 3, 101 n. b.

2: cf. Paul. sent. 1, 7, 7; quaedam mutavit T.

3 § 1: id — sustinet; populi — praeses a) d. T; Eisele SZ 13, 133; — b) genuina esse censet Kalb JBer. Altert. Wiss. 98, 253;

6: homine constantissimo corr.; hominem constantissimum G; *Βασῆς* Adnot. 160.

7 pr.: septimo corr.; octavo Lenel Ulp. 371; d. timorem[2] — restitui Gl; Eisele SZ 30, 105; d. proinde — est T; Bremer Jur. anteh. 2, 2, 86.

§ 1: 1. quaedam esse T[i] susp. Eisele SZ 30, 105;

2. d. nisi — defendat T; Eisele SZ 13, 151;

3. (lin. 39): vel[2] corr.; nec U; Huschke SZ 9, 353.

8 § 2: 1. a) d. vir — mulier Gl; Lenel Paul. 199; — b) seu T? vel P? Kalb JL 82 n. 1;

2. d. cum — debet T? Bes. 2, 86.

9 pr.: 1. d. id — aliquo T; Eisele SZ 13, 133; d. audito Gl; Bes. 1, 55;

2. tunc — edicto a) corr.; discessi: tunc enim huic me U; Huschke SZ 9, 353; — b) corr.; discessi: tunc enim vim huic U; Krüger Dig. ad h. l.; — c) huic (lin. 19) corr.; hoc U; *Βασῆς* Adnot. 161;

3. d. et si per — Pomponius T; Lenel Pomp. 40.

§ 1: d. Animadvertendum — loquitur T; ante nec adicit excidisse putat „Ait praetor: ʻquod gestum eritʼ"; d. et ideo — locus erit; vel latronum — tuerer vel T; ante accepero excidisse putat „mancipio"; ante obligavero „sponsione"; d. nisi — debere T; Bes. 1, 53 sq.

§ 2: d. vel — depositionem T aut Gl; Bes. 1, 72.

§ 3: 1. Sed quod — accipiendum est T; Ait praetor: ʻratum non habeboʼ. quod quale sit U; Bes. 1, 72;

2. vel quid — perficeret a) d. T; Eisele SZ 13, 134; — b) T; aut res mancipio data aut in iure cessa est U; Bes. l. c.;

3. d. interdum; ut (lin. 39) T; inter exceptione — adversus excidisse putat „uti vellet"; d. ex qua — detur T; Bes. l. c.; 2, 53.

§ 4: a) alia T; nexi U; Eisele SZ 13, 133; — b) acceptilatione — liberatione T; mancipatione vel acceptilatione U; Erman Mél. Appleton 208 n. 1; — c) alia liberatione T; mancipatione U; Grad. SZ 6, 65 (sec. Schlossmann); Bes. 1, 73.

D. quod metus causa 4, 2

§ 5: tertio corr.; quarto Lenel Ulp. 373; EP 108 n. 7; tradita T; mancipata U; Lenel l. c.; Grad. SZ 6, 65.

§ 6: totum locum T[i] esse putat Bes. 1, 73.

§ 7: ante Ex hoc excidisse putat „Ait praetor: ‘qui metum adhibuerit, quod metus causa gestum erit, restituat.’“ Bes. 1, 74; talis corr.; ut alias U; Huschke SZ 9, 353; d. id — integrum Gl; Lenel Ulp. 374, EP 110; tradita; retradatur T; a) mancipata; remancipetur U; Lenel l. c.; — b) mancipio data; remancipetur U; Grad. SZ 7, 49; cf. SZ 6, 65; d. ne — facta T; Eisele SZ 13, 134.

§ 8: 1. a) d. Cum — factum est T; Bes. 1, 74; — b) d. nec — factum est T; Eisele SZ 30, 105;

2. restituendam corr.; dandam U; Eisele SZ 30, 106; d. competere — scripta T; Bes. l. c.

10 pr.: d. ut — obligationem T; Bes. 1, 75.

11: 1. legem transfert post l. 10 pr. Krüger Dig. ad h. l.;

2. quaedam esse T[i] susp. Bes. 1, 75.

12 § 2: 1. d. propter — exigit T; Longo Stud. Scialoja 1, 621;

2. d. quamvis — amisisse T; Pernice Labeo 2, 1, 56 n. 3; Ferrini Dir. pen. 167; Pand. 228 n. 1.

13: 1. quaedam esse T[i] susp. Ferrini Dir. pen. 167, 168 n. 1; Pand. 228 n. 2; Dernburg Pand. 1, 292 n. 8;

2. d. vel — debitam T; sponte datam T; traditam C; d. vel accepisse T; Vangerow Pand.[7] 1, 189; cf. 48, 7, 7.

14 § 1: Si — cognita T; Ait praetor: ‘si non restituerit, in quadruplum in eum iudicium dabo. post annum causa cognita in simplum iudicium dabo.’ U; Bes. 1, 75.

§ 3: 1. totum locum T[i] esse putat Bes. 1, 48, 75;

2. d. nam — adhibuit T; Krüger Dig. ad h. l.;

3. traderet T; manciparet U; Lenel Ulp. 376.

§ 4: 1. quaedam T[i] esse susp. Grad. Itp. 99;

2. d. habet — facere T; Lenel Ulp. 377.

§ 5: d. Aliquando — unde T; d. nec eum — legata est T; hos T; hunc U; arbitrium — tale esse T; rationem, quam praetor in hoc edicto secutus est, talem esse U; inter pervenit — eum excidisse putat „in“; inter fecit — nam „actionem restituat“; Bes. 1, 75.

§ 7: §[um] suo loco motam esse putat Lenel Ulp. 378.

D. quod metus causa 4, 2

§ 8: sisti — fideiussorem T; facto vadimonio postea sponsorem U; Lenel Ulp. 377.

§ 9: d. quod — compellatur T; Faber Coniect. 16, 19 (664 sq.); De error. 18, 10 (245, 2); Ration. ad h. l. (1, 457); Eisele SZ 13, 119; Lenel Ulp. 378.

§ 10: 1. totum locum T[i] esse putant Faber Coniect. 16, 19 (664 sq.); De error. 18, 10 (245, 2); Ration. ad h. l. (1, 457); Eisele SZ 13, 119; Lenel Ulp. 378;

2. quaedam esse T[i] susp. Riccobono Bull. 18, 212.

§ 11: 1. totum locum T[i] esse putat Faber Coniect. 16, 19 (664 sq.); De error. 18, 10 (245, 2); Ration. ad h. l. (1, 457);

2. quaedam T[i] esse susp. Savigny Syst. 6, 177 n. 2; Pernice Labeo 2, 2, 1, 91 n. 3, 140 n. 1, 3;

3. d. et condemnatus est T; Lenel Ulp. 378;

4. a) d. in hoc casu — fuerit T; Lenel l. c.; — b) in hoc casu — tutus fiat; quaedam esse T[i] susp. Grad. Itp. 232;

5. inter fuerit — tenebitur excidisse putant a) „omnino non is quicum actum fuerit“? Huschke SZ 9, 353; — b) „non“ Lenel l. c.;

6. edicti T; formulae U; Lenel l. c.;

7. a) iudicis T; tuo U; Lenel EP 110 n. 6; — b) iudicis genuinum esse censet Wlassak Real-Enc. 1, 309 lin. 51, 2, 413 lin. 49;

8. inter cavendum — est excidisse putat „dumtaxat“, inter observatur — itaque „actor“, inter interdum — hominis „etiam“, inter recipit — qui excidit „puta“; Huschke SZ 9, 354.

§ 13: in factum T; rei in iudicium deductae U; Alibrandi Giorn. di giurispr. 1, 389 = Opere 1, 176.

§ 15: 1. quaedam T[i] esse susp. Ferrini Obblig. 427;

2. d. Secundum haec T; Bes. 2, 23;

3. a) d. sed etsi — restituerit T; Perozzi Ist. 2, 112 n. 2; — b) etsi T; si U; d. sed ex — actionem T; Zanzucchi Riv. ital. 42, 51 n. 2; — c) quadruplum T; rem U; etiam sic F; non U; Bonfante Le obbligazioni (Pavia 1911—12) 123—124.

15: 1. totum locum T[i] esse susp. Zanzucchi Riv. ital. 42, 51 n. 2;

2. d. Aut T; Lenel Paul. 200.

16 pr.: totum locum T[i] esse susp. Bes. 1, 76.

§ 1: d. sive rem — praestiterit T; Zanzucchi Riv. ital. 42, 51 n. 2.

§ 2: a) d. ceterisque successoribus; et ceteros T; Longo Bull. 14, 157; — b) d. quoniam — persecutionem T;

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Perozzi Ist. 2, 64 n. 2; — c) d. licet — attamen T; Ferrini Bull. 14, 217; — d) d. ceterisque successoribus; quoniam — persecutionem; et ceteros — pertinere T; Albertario Rend. Ist. Lomb. 46, 462.

17: 1. totum locum T[i] esse putat Albertario Rend. Ist. Lomb. 46, 463;

2. d. quoniam — obligationem; quoniam — nihil pervenit T? Gl? Perozzi Obblig. rom. 116 in n.;

3. d. melius — competere T; Krüger Dig. ad h. l.

18: 1. sexagensimo quarto corr.; quarto inscr. Appleton NRH 34, 749 n. 1, 751—752 et add. 2;

2. alium a) T; heredem J; Lenel Iul. 769; Bes. 1, 76; — b) genuinum censet Appleton NRH 34, 785;

3. inter locupletiorem — dicemus excidisse putat „eum" Huschke SZ 9, 354; postea deperdat corr.; post ea depereat J; Appleton l. c. (cf. D. Gothofredus Corpus j. c. h. l.);

4. a) d. nam — mansissent T; Faber Ration. ad h. l. (1, 462); — b) pretiis corr.; pretio J; inter quo — locupletem excidisse putat „locupletetur" Huschke l. c. — c) peti — hereditatem T; iterum bona eius venire J? Lenel Iul. 769; — d) peti — posse genuinum censet Appleton NRH 34, 785 et add. 2.

19: d. eatenus; quatenus — pervenerit T; Albertario Rend. Ist. Lomb. 46, 464.

20: 1. totum locum T[i] esse putat Albertario Rend. Ist. Lomb. 46, 464;

2. d. si — pervenisse; id — est Gl; Eisele SZ 30, 107.

21 § 2: d. non sui T; Bes. 1, 76.

§ 3: 1. quaedam esse T[i] susp. Schlossmann De nonnullis quaestionibus ad iuris Romani de metu doctrinam pertinentibus diss. Vratislaviae (1874) 6 sq.; Zur Lehre vom Zwange (1874) 34 sq.; contra Czyhlarz Jher. Jhb. 13, 22 sq.;

2. promissa a) T; dicta P? Lenel Paul. 201; — b) genuinum esse censet Berger Dotis dictio w pr. rz. 171;

3. d. quia — esse T? Eisele Beitr. 231; Berger l. c.

§ 4: 1. d. locatione; videndum est an; sit T; inter acti — et excidisse putat „est"; remaneat T; remanet P; Bes. 1, 76;

2. a) d. an hoc — nascitur T; Bes. l. c.; — b) quia — amittitur: partim genuina non censet Eisele SZ 18, 1; — c) inter fidei — obligatione excidisse putat „contractu" Krüger Dig. ad h. l.

§ 5: noluissem T; non crevissem P; volui T; crevi P; Schlossmann Zur Lehre vom Zwange (1874) 134.

D. quod metus causa 4, 2

22: cf. Paul. Sent. 1, 7, 10; quaedam mutavit T; Krüger Dig. ad h. l.

23 pr.: d. sed — opponere T; Grad. SZ 7, 73; Ferrini Riv. ital. 14, 261; H. Krüger Arch. f. Lat. Lex. 10, 249.

§ 2: a) d. faenerator — decernat T; Albertario Fil. 1912, 520; — b) d. competens iudex T; Grad. SZ 7, 64.

§ 3: 1. totum locum esse T[i] putat Albertario Fil. 1912, 520;

2. quaedam esse T[i] susp. Lenel Ulp. 2333; Grad. SZ 7, 64; Seckel s. v. iubere b, incivilis, revocare; Kalb JL 69;

3. d. simplici — habita T? Kuttner Festschr. für v. Martitz 255 n. 5.

D. de dolo malo 4, 3.

1 § 1: inter videbitur — iudicium „intra annum quo primum experiundi potestas fuerit" excidisse putat Lenel EP 111 n. 14.

§ 2: 1. d. et[1] T; inter autem — posse excidisse putat „ait"; d. posse[2] T; faciunt corr.? faciant U? Bes. 1, 76;

2. a) eiusmodi — sua corr.; eiusmodi simulationem dissimulationemve decipiunt ut tueantur vel sua U; Huschke SZ 9, 354; — b) d. deserviant et T? Pernice Labeo 2, 1, 209 n. 1; Bremer Jur. anteh. 2, 1, 101; — c) d. deserviant et Gl? Seckel s. v. deservire 2b (Nachtrag); — d) deserviant T; se servant U; Scialoja Rend. della R. Accad. dei Lincei 12 (1903) 237 sq., Dig. Milan. ad h. l.; — e) dissimulationem corr.; simulationem U; et tuentur corr.; aut tuentur U; Bes. 1, 76.

§ 4: 1. d. sit, quoniam — decerni, si T? Seckel s. v. temere;

2. a) possit experiri T; possim experiri U; etiamsi corr.; ut etiam si U? quis experiri T? experiri U? se tueri possit T? me tueri possim U? cessare corr.? cesset U? sit quis eum T; sine me U; stipulatum sit T; stipulatus sine U; Seckel s. v. stipulari [p. 556 b]; — b) scribit corr.; scribat U; *Βασῆς* Adnot. 161.

§ 6: d. nisi — exiret T? Bremer Jur. anteh. 2, 1, 101.

§ 7: d. nisi — est T? Seckel s. v. pati.

4: d. sit actio T; Lenel Paul. 203.

7 pr.: excipit, quasi corr.; explicat, si U; Huschke ZRG 13, 329 n. 39, SZ 9, 354; d. aut — est Gl? Lenel Ulp. 385; Noodt De Iurisd. et Imper. lib. 1 cap. 14.

D. de dolo malo 4, 3

§ 1: totum locum T[i] esse putat Bes. 2, 71.

§ 3: 1. tradidit T; mancipio dedit U; Pernice Labeo 2, 1, 168 n. 1;

2. a) dum tradit T; in mancipio U?; Pernice l. c.; — b) tradit T; mancipat U; Lenel Ulp. 385;

3. d. si non — necessaria est T; Pernice l. c.

§ 5: 1. inter servum — legatum excidisse putat „do lego" Segrè Stud. Scialoja 1, 253 n. 1;

2. a) de dolo — competit T? de dolo autem actio, quia ad exhibendum non competit, quocumque tempore is occiderit, dabitur U?; Segrè l. c.; — b) d. quocumque — occiderit T; cessat[2] — competit T; de dolo autem actio danda est U?; Wlassak SZ 31, 226, 227.

§ 6: quamvis — excedit T; actionem U?; Pernice Labeo 2, 1, 210 n. 1.

§ 7: interpungendum esse putat post ait Naber Mnem. 1898, 275.

§ 9: procurator T; cognitor U; procuratore T; cognitore U; Lenel Ulp. 385.

§ 10: a) d. nisi — calliditate T?; Pernice Labeo 2, 1, 222 n. 9; — b) nam — dari genuinum esse censet Litten Festgabe für Güterbock 265 n. 1.

9 § 1: d. si (lin. 32) — feceris T?; Pernice Labeo 2, 1, 222 n. 9.

§ 3: 1. sequestraria T; depositi U?; Arangio-Ruiz Arch. giur. 78, 253; 81, 382 n. 1; septimo[2] corr.; octavo Pernice Ulpian als Schriftsteller 463 n. 3; Lenel Ulp. 385;

2. a) praescriptis — actione T; in factum U; Bes. 2, 158; contra Grad.; — b) actione T; Grad. Itp. 144.

§ 4: 1. quaedam esse T[i] susp. Buckland Slavery 118;

2. praetoris peregrini genuinum esse censet von Velsen SZ 21, 114; interdum[1] — dari T; esse U; Pampaloni Stud. Sen. 16, 231; d. nam — futurum T; Pernice Labeo 2, 1, 202 n. 2; Bremer Jur. anteh. 2, 1, 93; Pampaloni l. c.

10: totum locum T[i] esse susp. a) Longo Bull. 15, 283 n. 1; — b) usque ad duo milia sestertiorum P; Wissenbach Emblem. 19.

11 § 1: d. verbis temperandam; ut — fiat T; Pernice Labeo 2, 1, 226 n. 5.

12: d. ne — lucrentur T; Rotondi Annali di Perugia 1913, 307.

13 pr.: d. item — heredes T; Albertario Rend. Ist. Lomb. 46, 1, 58.

§ 1: 1. d. nisi — conveniatur T; Pernice Labeo 2, 1, 201 n. 3, 228 n. 6; Albertario Rend. Ist. Lomb. 46, 576;

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2. a) d. ego — factus est T? Pernice l. c. 201 n. 3; — b) d. maxime — factus est T; l. c. 228 n. 6; Albertario Rend. Ist. Lomb. 46, 576; Lenel sec. Krüger Dig. ad h. l.

15 pr.: d. si — locupletior T; inter locupletior — puto et inter exceptio — datur excidisse putat „non" Albertario Rend. Ist. Lomb. 46, 576.

§ 1: d. ex suo quidem dolo; sed si — dandam T; Albertario l. c.

§ 2: d. si quid; ad dominum pervenit; in quantum — pervenit T; inter pervenit — datur excidisse putat „non" Albertario l. c.

§ 3: actione T? formula U? Seckel s. v. designare; d. quamvis — necesse T; Bes. 1, 76; Albertario Rend. Ist. Lomb. 46, 454.

17 pr.: 1. quaedam T[i] esse susp. Ferrini Obblig. 427;

2. a) quanti — liberari T; conventus fuerit ceteri liberantur U; Perozzi Ist. 2, 112 n. 2; — b) d. puto — liberari T; Zanzucchi Riv. ital. 42, 49 n. 2; — c) puto adhuc T; non puto U; Bonfante Obblig. (Pavia 1911—12) 125; — d) liberari T; non liberari U; Binder Korrealobl. 378 n. 141.

§ 1: 1. quaedam esse T[i] susp. Ferrini Obblig. 427;

2. d. et — successores T; Longo sec. Krüger Dig. ad h. l.; Albertario Rend. Ist. Lomb. 46, 453;

3. d. dumtaxat — pervenit T; inter successores — datur excidisse putat „non" Albertario l. c.

18 pr.: a) d. ideo — refrenari T; Faber Coniect. 16, 18 (660 sq.); 16, 20 (672, 1); De error. 18, 9 (238, 1); Ration. ad h. l. (1, 491) ad D. 12, 3, ll. 2, 5; — b) d. sed — refrenari T? Seckel s. v. refrenare; — c) ideo — refrenari genuinum censet Bertolini Il giuram. nel dir. priv. rom. 222 sq., 243;

§ 1: 1. quaedam esse T[i] susp. Pernice Labeo 2, 1, 230 n. 2;

2. a) d. Non — dandum est T; Bes. 2. 92; — b) dandum corr.; locus P; Bes. 1, 62;

3. d. quid — posse; ideoque — actoris Gl aut T; Bes. 1, 62.

§ 2: 1. quaedam T[i] esse susp. Wlassak SZ 31, 228;

2. d. quoniam — actiones T; Baviera Scritti giuridici 174 n. 1.

§ 3: eo — sciens corr.; eo quod quis sciens P; inter pondera — ut excidisse putat a) „maiora uel minora" Huschke SZ 9, 355; — b) „iniqua" Bremer Jur. anteh. 1, 418.

D. de dolo malo 4, 3

§ 4: 1. a) temporibus legitimis T? Mommsen Jur. Schr. 3, 357, 358 n. 1; — b) temporibus — transactis T; anno et sex mensibus P; Seckel s. v. perire 2;

2. ne — circumscribatur a) d. T; H. Krüger SZ 27, 373; Tuor die Mors litis (Leipz. 1906) 40; — b) genuin. ce. Seckel l. c.

19: fideiussor T; sponsor? aut fidepromissor? P; Huschke G 80.

21: 1. quaedam T[i] esse susp. Grad. SZ 7, 82; Eisele Jher. Jhb. 25, 506 n. 45 c;

2. a) Quod — adprobatum T; Quod si fur deferente me iuraverit et absolutus sit U; Bremer Jur. anteh. 2, 1, 103; Seckel s. v. periurium; sec. Lenel Marcell. 112; contra Lenel Ulp. 391; — b) Quod — sis T; si fur deferente me iuraverit et absolutus sit U; Lenel Ulp. 391;

3. d. stari — debet T?; Di Marzo Le 50 decisiones di Giustiniano 80, 2.

23: inter Falcidiae — legatum „per damnationem“ excidisse putat Lenel Gai. 100.

26: d. eatenus; eam; quatenus — venerit T; Albertario Rend. Ist. Lomb. 46, 453.

27: totum locum T[i] esse putat Albertario Rend. Ist. Lomb. 46, 453.

28: 1. d. at; si quidem — non agetur; quia — damno; in id — esset T; Albertario Rend. Ist. Lomb. 46, 453;

2. d. id Gl.; *Βασῆς* Adnot. 159 n. 1.

31: a) d. quidem; sed — accesserit T; Di Marzo Temi siciliana 2, 147; — b) accesserit corr.? Pernice Labeo 2, 1, 229 n. 5.

32: d. quidem T; Di Marzo Temi siciliana 2, 148; d. verum — exercere T; Di Marzo l. c.; ? Pernice Labeo 2, 1, 229 n. 5.

33: actionem — indemnitate a) T; calumniae iudicium U; Lenel Ulp. 2332; EP 107; Bes. 2, 113; — b) d. T; Pernice Labeo 2, 1, 228.

34: d. et[2] corr.; *Βασῆς Κριτικά* 3.

37: a) d. si — de dolo actio T; De Medio Bull. 16, 63 sq.; — b) inter dictum — promissumve excidisse susp. „argentarium propter“, post de dolo actio „detur adversus venditorem“ Pernice Labeo 2, 1, 177 n. 3.

39: Titio corr.; liti G; Huschke SZ 9, 355.

40: d. nisi — exceptio T; Albertario Fil. 1911, 810.

D. de minoribus viginti quinque annis 4, 4.

1 pr.: a) nam — opitulationem: genuinum censet Lenel Ulp. 396; — b) fragile — expositum; et adversus — opitulationem T[o] tribuit Kalb JL 70; — c) aetatis corr.; aetatis hominum U; Huschke SZ 9, 355.

D. de minoribus viginti 4, 4

§ 3: totum locum T[i] esse putant Ferrini Pand. 961 n. 3; 962, 963; Peters SZ 32, 279 n. 1; Albertario Hodie (Pavia 1911) 10; Bes. 2, 98.

3 pr.: inter minoribus — rerum excidisse putat „liberam“ Ferrini Pand. 964 n. 3.

§ 3: d. ut[2] — spectetur T? H. Krüger Wiener Ztschr. 30, 401; d. (lin. 12) et — intercalatur T? Eisele Jher. Jhb. 14, 14 n. 9.

§ 4: 1. d. id — eorum T; Eisele SZ 11, 4; d. filium — intersint T? Faber Ration. ad h. l. (1, 511);

2. d. (lin. 21): et — conveniri a) T? Lenel Ulp. 398; — b) Gl; Koschaker Translatio iudic. 176—180;

3. a) d. excepta — adiuvatur Gl? Lenel Ulp. 398; — b) hanc corr.; hac U; inter si — iussu excidisse putat „filius“ Savigny Syst. 7, 281 n. g—i; — c) si iussu corr.; si filius iniussu U; non corr.; senatus consulto U; Huschke Darl. 164; — d) non genuinum censet Vangerow Pand.[7] 1, 316;

4. a) d. proinde et si — nec eo T; Faber Ration. ad h. l. (1, 511); — b) d. (lin. 27): et Gl; Savigny Syst. 7, 281 n. g—i; — c) et si genuinum censet Huschke Darl. 164.

§ 5: stipularetur T; adstipularetur U; aut: aliquem — stipularetur T; adstipulatorem U? Seckel s. v. stipulari [p. 556 a].

§ 6: finge — adrogatum a) d. T; Eisele SZ 13, 134; — b) genuinum censent Scialoja Bull. 19, 179 n. 3; Kalb JBer. 98, 253; Bergman Adoptionsrecht 91 n. 1.

§ 7: d. vel — relictum T; militiae T? apparitionis (aut) decuriae U? Marchi Arch. giur. 76, 308, 301.

§ 8: mox — cognovisset a) d. T; Grad. Itp. 239; — b) genuinum censet Kalb RJ 91; — c) d. mox — posset T; Lenel Ulp. 398.

§ 11: d. qui — commisit T; Bes. 3, 113.

7 pr.: sive contractus — contigit a) T; contractum sit U; Perozzi Obbl. rom. 40 n.; — b) genuinum censet Bonfante Rend. dell' Ist. Lomb. (ser. 2), 40, 900.

§ 2: 1. quaedam T[i] esse susp. de Ruggiero Stud. ec.-giur. d. Cagliari 1, 132 n. 2;

2. d. paterno; vel proprio; quasi — cum eo T? inter ut — ei excidisse putat „eis praesentibus“; d. ceterum — solvere T; Bes. 2, 98;

3. a) d. sed hodie — sunt T; Faber Coniect. 18, 13 (703, 2); — b) d. sed hodie — deponi; ne vel — sunt T; Bes. 2, 98;

4. a) d. quid tamen — non esse T; Faber Coniect. 18, 13 (703, 2); — b) d. si allegans — credo T; Bes. 3, 113.

D. de minoribus viginti 4, 4

§ 3: d. vel rem suam T; Naber Mnem. 1903, 233.

§ 5: d. idem — successione T; Biondi la legittim. proc. nelle azioni divisorie, Annali di Perugia (1913) 16, 31 n. 3, 38 n. 3.

§ 6: totum locum T^i esse putant Albertario Hodie (Pavia 1911); Bes. 2, 98.

§ 8: d. quod^2 — doceatur T; Eisele SZ 30, 108.

9 § 2: a) d. ut — pervenit T; Rotondi Annali Perugia 1913, 310; — b) d. vel alias in contractu T; Perozzi Obbl. rom. 118 n.; de Ruggiero Bull. 19, 24 n. 2; Bes. 3, 105; d. nec — subvenietur T; Bes. l. c.

§ 4: d. id est — est T? Buckland Slavery 433.

11 pr.: d. sed et — competit Gl; Bes. 1, 41.

§ 1: 1. a) d. ideo — complectatur T? Haymann Freilassungspflicht 21 n. 1; — b) inter Victorinum — hunc excidisse putat „venditorem"; d. hunc, id est corr.; Huschke SZ 9, 355;

2. d. et si quidem — non possit; et si quidem — imponit T; Eisele Beitr. 237; Haymann l. c. 21.

§ 5: d. quamvis diligentissimo T? De Medio Bull. 20, 171 n.; d. sed haec — obnoxia sunt Gl; Bes. 1, 116.

12: d. haec si — auxilio T? Ferrini Obblig. 562.

13 pr.: d. causa — sunt T(?); Bortolucci Per la dottrina del mand. cred. 14.

§ 1: tradidit T; mancipavit U? d. si quidem — esset solvendo T? Lenel Ulp. 405; Bremer Jur. anteh. 2, 1, 103.

16 pr.: 1. alia corr.; aliqua U; Bes. 1, 77 et 2, 37; actio T? Albertario Riv. ital. 52, 47 n.; inter possit — competere excidisse putat „dari" Bes. 2, 37;

2. a) d. competere — auxilium T; Bes. 2, 37; — b) d. citra — restitutionem; et mero iure Gl aut T; — c) inter munitus — sit excidisse putat „quis" Bes. 1, 77; — d) *α*) d. nec — est T; Albertario Rend. Ist. Lomb. 46, 863; — *β*) nec corr.; et U; Bes. 2, 37.

§ 1: quaedam T^i esse susp. Alibrandi Opere 1, 576.

§ 2: 1. quaedam T^i esse putant Haymann Schenkung 82 n.; Kalb JBer. 109, 67;

2. a) d. sed et — est T? (aut) incerti T; v. Mayr C. 225, 226 (cf. Trampedach, Pernice); — b) d. sed et — maiore; sed per condictionem T; Pflüger SZ 18, 100; — c) inter adicit — quod excidisse putat „non obesse" v. Mayr SZ 25, 224; — d) quod — est T? H. Krüger Wiener Ztschr. 21, 322 n. 41; —

D. de minoribus viginti 4, 4

e) d. quod — maiore T; Pernice Labeo 3, 1, 203 n. 5, 205 n. 4, 211 n. 2; Trampedach SZ 17, 142, 145; Vassalli (in Stud. Senesi 30) 29 sq.; — f) d. incerti T; Naber Mnem. 1892, 195; — g) incerti condici genuinum censet Kniep Besitz 396; — h) d. incerti T; condici genuinum censet Koschembahr 2, 113; — i) munitus corr.; munita U; Savigny Syst. 3, 463; Vangerow Pand.^{7} 1, 303; Krüger Dig. ad h. l.; Pflüger l. c.; — k) munitus genuinum censet Koschembahr 2, 113 n. 4.

§ 4: d. contrahentibus T; Bes. 2, 70.

18 § 1: 1. dicta a) corr.; dicenda U; *Βασῆς Κριτικὰ* 3, Adnot. 102; — b) genuinum censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 188.

2. d. post speciem — finitam T; Faber Ration. ad h. l. (1, 549).

19: 1. nam transfert inter expressum — si; Huschke SZ 9, 355;

2. legitimum tempus a) T? Mommsen Jur. Schr. 3, 358; — b) T; annum U; Lenel Ulp. 449;

3. tempus statutum T; annum U; statutum tempus T; annum U; Lenel l. c.

20 pr.: tempus — statutum T; annum in integrum restitutionis U; Lenel Ulp. 409; d. nec — dixit Gl; Brenkmann l. SZ 32, 376; Huschke SZ 9, 356; inter recte — quid excidisse putat „dixit" Huschke l. c.; d. quid — aetatis T; Riccobono Riv. dir. civ. 3, 59 n. 2.

§ 1: tempus — statutum T; annum restitutionis U; Lenel Ulp. 409.

22: 1. quaedam T^i esse putat Bes. 2, 23;

2. curatorem T? magistrum U; distrahenda T? vendenda U; Rudorff Vorm. 1, 161 n. 30 (sec. Cuiacium).

23: 1. inter administraret — non excidisse putat „pater"; ei transfert inter succurreretur — cum; d. cum — cessura; eventu T; Bes. 2, 72;

2. a) d. quia — solvendo T; Bes. l. c.; — b) erit corr.; est P; Huschke SZ 9, 356;

3. d. si autem — possit T? Lenel Paul. 217; Bes. 2, 72; Grad. sec. Krüger Dig. ad h. l.;

4. a) verba ergo — placet transfert inter cessura — sed Huschke SZ 9, 356; — b) d. ergo — negotia T; Bes. 2, 72 et 3, 113; — c) procuratorio T; cognitorio U; Lenel l. c.

24 pr.: 1. cf. Paul. Sent. 1, 9, 2 (Quod — accidat); cf. Grad. Itp. 173;

2. totum locum T^i esse putat Faber Ration. ad h. l. (1, 556);

3. quaedam T^i esse susp. Pernice Labeo 3, 1, 189 n. 2;

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4. a) d. Quod — accidat T; Conrat (Cohn) Der Westgothische Paulus 6 n. 11; — b) d. ne — resarcire T; Eisele SZ 18, 14; — c) ne — resarcire genuinum censet Kalb Jahresbericht über Altertumsw. 109, 57.

§ 1: 1. interdicetur corr.; interdicatur P; Huschke SZ 9, 356;

2. tam a) corr.; perquam P; Huschke l. c.; — b) corr.; admodum P; Dernburg Pand. 1, 328 n. 8 (sec. Mommsen); — c) genuinum censet Kalb RJ 132 n. 1.

§ 2: d. vel — vel T; Grad. Bull. 5, 7.

§ 3: 1. quaedam T^{i} esse susp. Alibrandi Opere 1, 576;

2. condemnabitur T; noxae dedetur P? Lenel Paul. 218.

§ 4: quia corr.; quod ibi P; ei solvitur corr.; exsolvitur P; Huschke SZ 9, 356.

25 **pr.:** iure civili — est T? infitiando lis crescit in duplum G? d. ad repetendum T? Vassalli Iuris et facti ignorantia (in Stud. Senesi 30 [1914]) 42 n. 1; d. cum — repetitio T; Bes. 2, 86; Vassalli l. c.

§ 1: 1. totum locum T^{i} esse putat Naber Mnem. 1893, 371;

2. a) d. cui id — audiri T; Bonfante Stud. Schupfer 1, 6 n. 2 (cf. Krüger SZ 16, 3 n. 1; Naber l. c.); — b) qui — audiri T; Vassalli Miscellanea critica (estr.) 1, 33.

27 **pr.:** d. ex quo — interdici Gl; Bes. 1, 57.

§ 1: a) ulterius — suo; oporteret — oporteat; ut tamen — recipiat; quidem — est T; Bes. 3, 178; — b) d. ita[2] — est T; Riccobono Riv. dir. civ. 3, 60; — c) ex pretio corr.; extra pretium G; *Βασῆς Κριτικὰ* 4, Adnot. 103; — d) ex pretio genuinum censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 188.

§ 3: a) totum locum T^{i} esse censet Bes. 3, 64; — b) d. forte — obligationem T? Seckel s. v. transferre 3.

§ 4: d. nisi — sint T; Cuiac. 1, 980 E; Wissenbach Emblem. 20; Faber Ration. ad h. l. (1, 566); Lenel Gai. 105.

29 **pr.:** post prohiberi excidisse putat „respondi“ Fuchs Krit. Studien 49.

30: bonorum — tempus T; annus restitutionis P; Grad. Bull. 2, 12.

31: d. nec erunt — cogendi T; Kübler Festschrift Vahlen 576.

33: quaedam T^{um} omisisse susp. Wlassak SZ 31, 264.

34 **pr.:** d. nisi — accepit T? Seckel-Kübler Paul. Sent. 1, 9, 4 a.

§ 1: Minores T; Pupilli P; Seckel-Kübler Paul. Sent. 1, 9, 4 b.

D. de minoribus viginti 4, 4

37 **§ 1:** a) d. utique[1] — produxerit T; Riccobono Riv. dir. civ. 3, 59 n. 2; — b) d. nisi — produxerit T? Seckel s. v. interdum, miseratio, mediocris, producere.

38 **pr.:** inter eaque — effecisset excidisse „res“ putat *Βασῆς* Adnot. 161; (lin. 25): d. qui — desiderassent T; *Βασῆς* l. c. 162.

39 **pr.:** utile tempus T; utilem annum S; Lenel Scaev. 7.

§ 1: nisi — constitutis a) d. T; Grad. SZ 7, 81; — b) genuinum censet Schirmer SZ 8, 163; — c) T; maxime cum sit ei paratum promptum auxilium S? Grad. Itp. 194.

41: acta a) corr.; actus J; *Βασῆς Κριτικὰ* 4, Adnot. 103; — b) genuinum censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 189.

43: Marcellus corr.; Macer inscr. Bluhme ZGRW 4, 440.

45 **§ 1:** locum genuinum esse censet Seckel s. v. licentia 2.

46: ex quo — posse Gl; Lenel Paul. 1454.

47 **§ 1:** 1. d. rescindi — esset T; Grad. Itp. 200; Mancaleoni Fil. 1899, 69;

2. d. quidem; verum — pervenisset T; Mancaleoni l. c.

48 **pr.:** cf. Paul. Sent. 1, 9, 5: quaedam mutavit T; (cf. Grad. Itp. 223).

§ 2: d. et — paciscerentur T? Seckel-Kübler Paul. Sent. 1, 9, 5 b.

D. de capite minutis 4, 5.

2 **pr.:** d. neque — conveniri a) Gl; Kalb RJ 28; — b) T? aut Gl? Koschaker Translatio 235 n. 3.

§ 2: 1. quaedam T^{i} esse susp. Savigny Syst. 2, 84 n. 9; Cohn Beitr. z. Bearb. d. röm. Rechts 1, 2, 327, 331, 332;

2. a) d. manent — naturaliter T; Perozzi Ist. 1, 327 n. 2; — b) naturaliter T? iure honorario U? Grad. Festg. f. Schirmer 167;

3. a) d. ceterum — familias T; Faber Ration. ad h. l. (1, 593 sq.), Iurisp. pap. 16, 3, 7 (1060); Bes. 3, 114; — b) imputare — pertinet T; inter adrogatus — sit excidisse „quis“ putat; d. nullus — nam T? Bes. 3, 113; — c) d. sed — actio T? post familias quaedam excidisse putat Lenel Ulp. 414.

3 **pr.:** 1. quaedam esse T^{i} susp. Cohn Beitr. z. Bearb. d. röm. Rechts 1, 2, 116;

2. Liberos corr.; Liberis P; *Βασῆς* Adnot. 162.

§ 1: 1. a) d. et — personis T; Bes. 3, 7; — b) ceteris personis T; in adoptionem dato P? Eisele Beitr. 214 n. 68;

D. de capite minutis 4, 5

2. imaginariam servilem T; mancipii P; Savigny Syst. 2, 492 n. a.

5 § 1: ab — sunt partim genuina non censet Cohn Beitr. z. Bearb. d. röm. Rechts 1, 2, 97, 98.

6: d. cetera T? Cohn Beitr. z. Bearb. d. röm. Rechts 1, 2, 179 n. 1, 180; inter minutio — privata excidisse putat „minima" Cohn l. c. 1, 2, 134.

7 pr.: 1. quaedam esse T^i susp. Cohn Beitr. z. Bearb. d. röm. Rechts 1, 2, 167, 173, 176;

2. a) his — deferuntur[1] T; iis, quae iure agnationis proximis potissimum deferuntur P; Cuiac. 5, 161 A; — b) alieno genuinum censet Vangerow Pand.[7] 1, 525; — c) inter positis — deferuntur excidisse putant „non" Savigny Syst. 2, 77 n. p. (sec. Haloandr.); Huschke Rhein. Mus. 7, 68—73 (cf. Haloander, Goveanus lect. var. 2, c. 12, Faber Iurisp. pap. 12, 2, 3); — d) inter positis — deferuntur inserendum esse „non" negat Vangerow l. c.;

3. a) d. ex novis — designentur T; Wissenbach Emblem. 21; — b) d. ex novis — et filio T; aut certe: et hereditates et tutelae T; hereditates P; Lenel Paul. 222.

§ 1: quaedam esse T^i susp. Perozzi Obbl. rom. 118.

8: 1. quaedam esse T^i susp. Cohn Beitr. z. Bearb. d. röm. Rechts 1, 2, 263, 294;

2. d. Eas — non potest T; Perozzi Ist. 1, 327 n. 1 et 2, 16 n. 1.

10: d. vel menses singulos T; Pampaloni Riv. ital. 52, 189; Vassalli Miscell. crit. 2, 22; d. vel si — legetur T; Perozzi Ist. 1, 504 n. 1; Vassalli l. c.; d. legatum[1]; videlicet — consistit T; Vassalli l. c.

D. ex quibus causis maiores viginti quinque annis in integrum restituuntur 4, 6.

1 pr.: d. nec — evenit T? Seckel s. v. nec 1b.

§ 1: 1. inter bonis — cum excidisse putat „deminutum erit" Savigny Syst. 7, 165;

2. inter esset — sive excidisse putant a) „posteave non utendo deminutum esse" Lenel Ulp. 425, EP 117 n. 7, 8; Krüger Dig. ad h. l.; — b) „posteave non usurpando vel non utendo deminutum esse" Huschke P. K. 105 n. 203, 106 n. 204, 108 n. 211;

3. fecisset corr.; fecisse U; Savigny l. c.; Huschke l. c.; amisit corr.; sit amissum U; Savigny l. c.; inter consecutus — actioneve excidisse putat „praeterquam cum rei publicae causa abesset vel in hostium potestate esset" Huschke l. c.;

D. ex quibus causis maiores 4, 6

4. a) sive cui — dicetur: quaedam esse T^i susp. Pernice Labeo 2, 1, 157 n. 3; — b) sive cui transfert post magistratus; pro (magistratu) corr.; prove U; Mommsen Jur. Schr. 1, 324 n. 120; — c) pro magistratu corr.; per magistratus U; Lenel Ulp. 425, EP 117 n. 18, 19; — d) post dolo excidisse putant „malo" Lenel l. c., Pernice l. c.

2 pr.: ei corr.; capite primo C; Huschke SZ 9, 357.

4: 1. a) potest corr.; posset C; Huschke SZ 9, 357; — b) reverteretur corr.; revertetur C; Βασῆς Adnot. 163;

2. veluti corr.; vel ut C; et revocatur corr.; revocetur C; Huschke l. c.;

3. accepi T; accipiendum est C; d. neque reverteretur; veluti — privilegio T; Bes. 3, 97.

5 pr.: et sine corr.; etsi sine U; Βασῆς Adnot. 163.

15 pr.: inter captis — postliminio excidisse putat „aut"; etiam[2] transfert inter est — si Huschke SZ 9, 357.

§ 1: d. quam Gl; Βασῆς Adnot. 163.

§ 3: d. si inchoata — detentatio T; Faber Ration. ad h. l. (1, 615); absentiam corr.; absenti U; inter autem — reverso excidisse putat „iam" Huschke SZ 9, 357.

17 § 1: vel T; quina milia U; Lenel Ulp. 432.

18: 1. quaedam esse T^i susp. Grad. Itp. 233; Riccobono Bull. 18, 212;

2. d. quod — casibus T; damus — quibus T; a praetore dari, cum P? d. ex — desiderant T? Seckel s. v. impertire;

3. d. non — desiderant T; Grünwald Ordnung der die Worte lucrum usf. enthalt. Stellen in den Pand., Heidelberger Diss. 1912, 46.

19: 1. d. Denique; per usum — adquireret T; Faber Ration. ad h. l. (1, 622);

2. possessionem a) T; usucapionem P; Faber l. c., Iurisp. pap. 2, 5, 3 (52); Kniep Vac. poss. 249; — b) corr.; per usum acquisitionem P; Βασῆς Κριτικὰ 4, Adnot. 103; — c) genuinum censet Μυλωνᾶς Ἐπιθεώρησις 1908, 190;

3. d. possessio — postliminio T? Vassalli Miscell. crit. 2, 36 sq.

20: tertio decimo corr.; vicesimo tertio inscr. Lenel Pap. 308.

21 § 1: d. erit — nam T; d. adversus — subvenit Gl aut T; Bes. 1, 54.

§ 2: eo — mitti a) d. T; Karlowa Beiträge z. Gesch. d. röm. Civilproz. 130 sq.; — b) genuinum censet Naber Mnem. 1897, 289; — c) ut si res — distrahantur T; ut post

D. ex quibus causis maiores 4, 6
dies triginta etiam bona veneant U; Dernburg Emtio bon. 59.

23 **§ 2:** 1. totum locum suo loco motum esse susp. Lenel Ulp. 435;
2. locum transfert post l. 17 § 1 Krüger Dig. ad h. l.;
3. d. vel — possessionem T; Albertario Rend. Ist. Lomb. 1912, 475.

26 **§ 4:** 1. a) d. hoc quo — restitutio Gl; Bes. 1, 77; — b) iudicis T? duumviri U; Seckel s. v. iudex 2 b;
2. sed et si — faciendam transfert post Servio videtur Bes. l. c.;
3. a) d. item — videtur Gl; Bes. l. c.; — b) d. per (lin. 10) — videtur Gl? Lenel Ulp. 439; — c) per (lin. 10) — videtur genuinum esse censet Seckel l. c.;
4. inter videtur — si excidisse putat „si vadimonium fieri non decrevit; quod"; d. gratiam aut T; inter dixerit: — et excidisse putat „vel vadimonium fieri non iusserit" Seckel l. c.; et haec T; non haec U; nec non et T; sed U; Bes. l. c.;
5. a) nam — corrumpit corr.; Bes. l. c.; — b) iudicem T? duumvirum U? Seckel l. c.
§ 8: statuto — tempore T; anno U; Grad. SZ 7, 53.
§ 9: 1. haec clausula — ei subveniendum maiore ex parte genuinum non censet Bes. 2, 95; potuerunt corr.; poterunt U; Huschke SZ 9, 357; Krüger Dig. ad h. l.;
2. deferrent corr.; a) desiderent U; Huschke l. c.; — b) deferent Krüger l. c.;
3. a) d. ut quotiens — descendendum T; Bortolucci Bull. 20, 38; Bes. l. c.; — b) ut corr.; itaque U; Huschke l. c.; — c) ut corr.; utique U; *Βασῆς* Adnot. 163.

28 **pr.:** 1. locum ex parte genuinum non censet Bes. 2, 95;
2. d. Nec non et T; Grad. Itp. 60; Lenel Ulp. 440.
§ 1: 1. locum ex parte genuinum non censet Bes. 2, 95;
2. fideiussorum aut fideiussorum satisdatione T; sponsorum (aut) sponsoribus U? Levy Sponsio 26 n. 5.
§ 3: d. sed — dandum T? Faber Ration. ad h. l. (1, 641).
§ 4: potuit a) corr.; potui U; *Βασῆς Κριτικά* 5, Adnot. 103; — b) genuinum censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 190.

29: totum locum T[i] esse susp. Seckel s. v. videlicet.

30 **pr.:** a) d. quia — completur T? Zanzucchi Arch. giur. 72, 181 n. 2, 200 § 23; — b) possessio T; usucapio P; Faber Ration. ad h. l. (1, 644).

D. ex quibus causis maiores 4, 6

35 **pr.:** mittuntur corr.; missi sunt P; curarent corr.; curam agerent P; Huschke SZ 9, 358.
§ 2: inter rerum — quamvis excidisse putat „quarumvis" Huschke SZ 9, 358.
§ 6: expeditione corr.; expeditionem P; transierat corr.; tractus erat P; est corr.; esse P; Huschke SZ 9, 358.

38 **pr.:** d. cum — admisit T; Bes. 3, 62.
§ 1: d. et[3] — contingunt T? De Medio Bull. 20, 196 n. 1.

40 **§ 1:** usurpatum corr.; usucaptum U; Huschke SZ 9, 358.

41: quod (lin. 10) corr.; quoad J; Huschke SZ 9, 358; *Βασῆς Κριτικὰ* 5, Adnot. 104; *Μυλωνᾶς Ἐπιθεώρησις* 1908, 191.

43: Romae fuerit genuinum censet; Romae non fuerit corr.; Roma non afuerit A; Huschke SZ 9, 358.

D. de alienatione iudicii mutandi causa facta 4, 7.

1 **pr.:** 1. Omnibus modis T; in integrum restituendo G? Mitteis SZ 30, 454;
2. inter adversario — in eam quaedam excidisse putat Partsch De l'édit 49;
3. totum locum T[i] esse censet aut d. omnibus modis; id — et T; Bes. 3, 98;
4. quaedam T[i] esse susp. Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 203.

3 **§ 1:** d. quia — libertatibus T? Seckel s. v. favere.
§ 2: d. nunc — tolli T? Baviera Scritti giuridici 1, 159 n. 1; Albertario Riv. ital. 52, 23.
§ 3: inter iudicio — teneri excidisse „non" negat Vangerow Pand.[7] 3, 535.
§ 4: 1. totum locum T[i] esse putat Bes. 2, 153, 155;
2. quaedam esse T[i] susp. Savigny Syst. 7, 104 n. i; Bethmann-Hollweg Civ. Proc. 2, 752; Karlowa RG 2, 1092; Cuq Institutions juridiques 2, 644 n. 6; Bes. 1, 53; Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 113;
3. ante Ex quibus a) verba edicti excidisse putat Lenel Gai. 112, EP 121; — b) nihil excidisse putat Partsch De l'édit 50 sq.;
4. inter apparet — quod excidisse putat „necessarium esse et iudicium" Partsch l. c.;
5. a) in — pollicetur T; id agit G; Kniep RG 162; — b) inter pollicetur — ut excidisse putat „et formulam in factum" Partsch l. c.;

D. de alienatione iudicii mutandi 4, 7

6. a) d. officio — iudicis T; Kniep l. c.; — b) verbum tantum transfert post iudicis Degenkolb sec. Krüger Dig. ad h. l.;

7. d. forte — substituto T; Grupe sec. Krüger Dig. ad h. l.

§ 5: ante Quid ergo quaedam excidisse susp. Rabel Deutsche Literaturzeitung 1911, 312.

4 pr.: post edictum excidisse putat „sunt et alia complura talia“ Huschke SZ 9, 358, 359.

§ 1: 1. quaedam Ti esse susp. Lenel EP 125 n. 1;

2. a) d. Itemque — talia T; aut suo loco mota esse censet Lenel Ulp. 447; — b) verba Itemque — id fiat transfert ante verba non tamen; verba sunt et — talia transfert in prum Huschke SZ 9, 358, 359;

3. aliquis corr.; quis U; Huschke l. c.; d. nec tamen — fecisse Gl; Partsch De l'édit 53 n.; ante non tamen quaedam excidisse susp. Partsch l. c. 54 n.; d. haec — vituperanda T? Seckel s. v. exsecrari, verecundus;

4. d. non tamen — vituperanda T; H. Krüger Wiener Ztschr. 41, 313.

§ 3: a) d. ceterum — translato T? Krüger Dig. ad h. l.; Partsch De l'édit 55 sq.; — b) procuratores T; fiduciarios U? d. dominio — translato T? aut: procuratores T; amicos U? plerumque — iusta T; fiduciae U? Seckel s. v. procurator [badd], plerumque; — c) plerumque — iusta T; fiduciae U; Naber Mnem. 1907, 394; Mitteis SZ 30, 454.

§ 6: d. non T; De Francisci Azioni penali 38; Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 111, 203; d. sed — et T; Biondi l. c.

5: totum locum Ti esse putat Longo Bull. 14, 157.

7: totum locum Ti esse putat Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 110.

8 § 1: quaeve corr.; quae P; Lenel EP § 46.

§ 5: quaedam Ti esse susp. Bes. 2, 20.

9: d. nisi — alias T; Solazzi Stud. e doc. 22, 366.

10: Ulpianus corr.; Paulus inscr. Lenel Paul. 239, EP 121 n. 4; duodecimo corr.; tertio decimo inscr. Krüger Dig. ad h. l.

§ 1: competit T; datur aut danda est U; P. Krüger SZ 16, 4.

11: 1. quaedam Ti esse susp. Bes. 2, 155;

2. d. suo nomine T? donatas T; mancipatas U? donatio T; mancipatio U? Partsch De l'édit 9 n. 1.

12: 1. a) iudicii — evitandi T; dolo malo fraudisve M; Naber Mnem. 1895, 150 n. 5; — b) evitandi T; mutandi M; Degenkolb sec. Krüger Dig. ad h. l.;

D. de alienatione iudicii mutandi 4, 7

2. a) inter causa — rem excidisse putat „licitatione inter socios facta“; rem corr.; partem M; ante alienaverit (lin. 16) excidisse putat „fundi“; d. ex T; Licinnia corr.; licitationis M; interdicitur corr.; interdici videtur M; post experiatur excidisse putat „si partis mancipatio nondum sit facta. itaque agenti ei obstabit exceptio pacti vel doli.“ Bes. 2, 155; — b) ei corr.; emptori M; Kniep RG 160;

3. a) d. verbi gratia — fiat T; Bes. l. c.; — b) d. verbi gratia — recipiat T aut Gl; Partsch De l'édit 18 n.; — c) inter velit — non excidisse putat „lege“ Naber l.c.

D. de receptis: qui arbitrium receperint ut sententiam dicant 4, 8.

1: d. et — pertinet T; H. Krüger Wiener Ztschr. 41, 313.

3 § 1: a) totum locum Ti esse censent Bes. 3, 35; H. Krüger Wiener Ztschr. 41, 313; — b) d. finge — impleret T? Seckel s. v. interponere 1c β, gratia 1b; — c) d. finge — dicere T; Bes. 2, 91.

§ 3: hoc corr.; hos U; Mommsen Staatsr. 1, 705 n. 4 (cum S).

9 pr.: verbum factus transfert inter verba liber — sententiam; ante fecerit excidisse putat „id“; Huschke SZ 9, 359.

12: d. in — solo T; Bes. 3, 84.

15: attamen T? tamen U; Ferrini Bull. 14, 218.

16 § 1: d. quod si — exitura est T; Bes. 2, 86.

17 § 4: d. et nos putamus T; Pampaloni Stud. Sen. 16, 207 n. 12.

§ 6: d. sed usitatum — pareatur T? Dernburg Pand. 1, 386 n. 14.

18: tum T; ita P; Lenel Pomp. 206 (sec. Amann Krit. Studien zum Pandektentext [Diss. Freiburg 1873] 2).

19 § 2: dum corr.; cum P; verba mutare — non posse transfert inter verba absolvit — dum Huschke SZ 9, 359.

21 pr.: communibus corr.; commune habentibus U? desiit corr.; de illa desierit U; Huschke SZ 9, 359.

§ 9: d. sed hoc ita — scribit T? d. ipse — absolvitur T; Faber Ration. ad h. l. (1, 698).

§ 10: ut promitteretur corr.; cum compromitteretur U; Huschke SZ 9, 359.

§ 11: venerat corr.; veniebat U; lin. 13: an² corr.; alteri U; Huschke SZ 9, 360.

§ 12: quaedam esse Ti susp. De Medio Arch. giur. 68, 232.

D. de receptis: qui arbitrium 4, 8

23 pr.: a) d. licet — removendus T; Albertario Contr. alla cr. del D. 14; — b) d. sin — est T; Berger Strafklauseln 213.

§ 1: d. in[1] corr.; Kübler sec. Krüger Dig. ad h. l.; committis corr.; committere U; inter quod — non excidisse putat „cum possis" Huschke SZ 9, 360.

§ 2: d. posse corr.; Huschke SZ 9, 360.

§ 3: quaedam T[i] esse susp. Bes. 2, 24.

25 § 2: d. non absimiles T? Levy Sponsio 123 n. 3.

27 § 1: d. vel ceterorum T; Longo Bull. 14, 156.

§ 2: d. et sibi — compromisit T; Bes. 3, 114.

§ 4: a) d. quidem T; d. nisi — arbitretur T; Seckel s. v. promere, nisi; Krüger Dig. ad h. l.; — b) d. nisi — promatur T; Faber Ration. ad h. l. (1, 709); Eisele SZ 10, 301.

§ 5: d. vel demente T; H. Krüger SZ 14, 266.

29: d. nisi — intersit T? Rotondi di alcune reforme giustin. relat. al pact. de non pet. (Perugia 1913) 66.

30: 1. quaedam T[i] esse susp. Faber Ration. ad h. l. (1, 713);

2. a) inter esse — atque quaedam excidisse putat Kalb JL 72; — b) atque si corr.; simul atque P; Krüger Dig. ad h. l.;

3. a) d. sed si — peragenda T; Krüger Dig. ad h. l.; — b) d. lite — peragenda T; Cuiac. 5, 183 E; Kalb l. c.

31: ut corr.; aut U; Degenkolb sec. Krüger Dig. ad h. l.

32 § 3: deficiat corr.; defecerit P; Krüger Dig. ad h. l. (cum B).

§ 4: a) id — ceterum T; et P; d. iste quoque T; Bes. 3, 131; — b) dei T; deorum P; cuius T; quorum P; Lenel Paul. 251.

§ 7: maiores iudices T; Pernice Festgabe f. Beseler 65 n. 1; magistratus maiores P? Lenel Paul. 251.

§ 14: d. per hanc — arbitri T? Faber Codex 2, 38, 6 n. 3.

§ 16: 1. Quaesitum — compromittendum a) quaedam T[i] esse susp. Faber Ration. ad h. l. (1, 723); — b) inter quamlibet — licet excidisse putat „valere"; vere corr.; poenam P; inter se — vel excidisse putat „vel alium" Huschke SZ 9, 361;

2. a) d. quod — sententiae T; Grad. Itp. 70; — b) inter hoc — modo excidisse putat „quoque in compromisso sit et hoc" Huschke l. c.;

3. oportet corr.; oportere P; Huschke l. c.;

4. a) d. nisi — satisdaretur T; Grad. l. c.; — b) lin. 31: ad corr.; et P; Huschke l. c.

D. de receptis: qui arbitrium 4, 8

§ 20: detur corr.; tradatur P; inter satis — ratam excidisse putat „ut detur" Degenkolb sec. Krüger Dig. ad h. l.

34 pr.: 1. d. aut; aut debendi; aut — petatur; vel — petatur T; Grad. Bull. 2, 6; Gl. antejust. susp. Rotondi 65;

2. d. et fortasse — sunt T; Krüger Dig. ad h. l.; Gl. antejust. susp. Rotondi (cit. ad l. 29) 65;

3. d. nec — petitur T; Grad. l. c.; Gl. antejust. susp. Rotondi 65.

36: a) d. nisi — excepta T; Faber Ration. ad h. l. (1, 727); Wissenbach Emblem. 22; — b) alia T; Iulia U; Cuiac. 10, 1232 D; Huschke SZ 9, 361.

37: d. non — itur T; H. Krüger Wiener Ztschr. 41, 313.

43: d. quod si — subiugabitur T; Faber Ration. ad h. l. (1, 732).

49 pr.: d. sed et T; Lenel Iul. 68.

D. nautae caupones stabularii ut recepta restituant 4, 9.

1 § 1: 1. quem a) corr.; quam rem U; *Βασῆς* Adnot. 163; — b) T; quem neve eius res salvas fore U? Lusignani Responsabilità per custodia 1, 35 n. 1; — c) d. T; Schulz Krit. Vjschr. 50, 30; — d) genuinum censet Vangerow Pand.[7] 3, 464;

2. d. et nisi — fraudibus T; Lusignani l. c.; Schulz l. c. et Wiener Ztschr. 38, 42 sq.

§ 2: enim a) corr.; tamen U; *Βασῆς Κριτικά* 5, Adnot. 104; — b) genuinun censet *Μυλωνᾶς Ἐπιθεώρησις* 1908, 192.

§ 6: uterentur corr.; uteremur U; habemus corr.; haberemus U; Huschke SZ 9, 361.

§ 7: intulimus T; receperint U; d. etenim — solvi T; ante T; a me U; suscepit T; recepit U; Schulz Krit. Vjschr. 50, 30 sq.

§ 8: a) d. hoc — videntur; quae — sunt T; Schulz Krit. Vjschr. 50, 31; — b) d. recipere custodiam T; Lusignani Responsabilità per custodia 1, 37; genuinum censet Schulz l. c.

3 § 1: 1. d. merces — si (lin. 19) T; Schulz Wiener Ztschr. 38, 43;

2. a) d. nisi (lin. 22) — hominum T? Pernice SZ 20, 135, 136; Lusignani Responsabilità per custodia 1, 38; — b) d. ideo — et (lin. 23) T; Schulz l. c.; — c) innotesceret T? Bertolini Appunti didatt. di dir. rom. 957 n. 1; — d) d. ut innotesceret — hominum T; Schulz Krit. Vjschr. 50, 32; — e) lin. 22: praetor corr.; praetorem U; *Βασῆς* Adnot. 164;

D. nautae caupones stabularii 4, 9

3. d. locato T; Schulz l. c.;

4. a) d. nisi (lin. 25) — contingit T; De Medio Bull. 20, 197 sq.; T aut Gl; Ferrini Arch. giur. 53, 276; — b) d. nisi (lin. 25) — inde T; inter Labeo — scribit excidisse putat „tamen“ Schulz Wiener Ztschr. 38, 26 n. 57;

5. d. idem — contigerit T; De Medio l. c.

§ 2: a) quo corr.; qui U; Huschke SZ 9, 361; — b) quo corr.; quoad U; *Βασῆς* Adnot. 164; — c) inter quo — exercentes excidisse putat „nautae de eo quod“ Lenel EP 127 n. 8.

§ 3: 1. domini corr.; dominive U; Huschke SZ 9, 361;

2. inter si — servus excidisse putat „filius familias aut“ Lenel Ulp. 471;

3. inter voluntate — exerceant excidisse putat „eius“ Huschke l. c.

§ 4: inter autem — rei excidisse putat „actio“ Huschke SZ 9, 361.

§ 5: 1. quaedam T[i] esse susp. Lusignani Responsabilità per custodia 1, 38; Schulz Krit. Vjschr. 50, 32;

2. totum locum T[i] esse censet aut d. Novissime; de recepto T; verba videndum — sit ante verba Cum enim in D. 47, 5, 1, 3 transfert Schulz SZ 32, 69 sq.;

3. a) verba et Pomponius — debeat ante verba Quod si in D. 47, 5, 1, 4 transfert Schulz l. c.; — b) d. vel officio — debeat T; Krüger Dig. ad h. l.; — c) d. vel — vel T? Seckel s. v. exceptio [p. 183 b]; — d) inter exceptione — alterutra excidisse putat „actor“ Huschke SZ 9, 361.

4 **pr.:** 1. d. Sed — ipsi T; cuius T; cum eius P; Schulz SZ 32, 69 sq., 71 n. 1;

2. d. et T; Lusignani Responsabilità per custodia 1, 39; Schulz Krit. Vjschr. 50, 33;

3. a) d. nisi — non sit T; Pampaloni Stud. Sen. 11, 178; — b) d. ipse[1] — nauta T; Schulz l. c.

6 **pr.:** 1. in factum actiones T; a) furti actio P; Pampaloni Stud. Sen. 17, 258; — b) in factum actio P; Messina-Vitrano Note intorno alle az. 8—10;

2. denegabuntur T; denegabitur P; Pampaloni l. c.; Messina-Vitrano l. c.;

3. damnum iniuria a) T; furtum P; Pampaloni l. c.; — b) genuinum censet Messina-Vitrano l. c. 9—11.

§ 1: a) d. damnum mihi det vel; et[2]; et damni iniuria T; d. quia — factum est Gl? d. mihi[2] T; Pampaloni Stud. Sen. 17, 258; — b) d. mihi[1]; vel furtum faciat; et furti actio et; mihi[2] T; Messina-Vitrano Note intorno alle az. 8 n. 1, 10; — c) mihi (bis) genuinum censet Berger Teilungsklagen 165 n. 1.

§ 2: 1. locum genuinum esse putat Messina-Vitrano Note intorno alle az. 8 n. 2, 10;

2. in[1] T; ab P; d. ab alio — aestimare solet T; Pampaloni Stud. Sen. 17, 208—290.

§ 3: 1. In factum a) T; Furti P; Pampaloni Stud. Sen. 17, 208—209; — b) genuinum censet Messina-Vitrano Note intorno alle az. 5—6;

2. d. autem non T; inter pertinet — ad excidisse putat „etiam“ Messina-Vitrano l. c. 34—38.

§ 4: 1. a) d. vel — iniuriae T; Pampaloni Stud. Sen. 17, 208—209; — b) d. furti vel T; Messina-Vitrano Note intorno alle az. 9—11;

2. sed si — dabitur a) d. T; Pampaloni l. c.; — b) genuinum esse censet Messina-Vitrano l. c.

7 **pr.:** damnum datum; damnum a) T; furtum factum; furtum U; Pampaloni Stud. Sen. 17, 259—260; — b) genuina censet Messina-Vitrano Note intorno alle az. 6.

§ 1: in factum a) T; furti U; Pampaloni Stud. Sen. 17, 259—260; — b) genuinum censet Messina-Vitrano Note intorno alle az. 6.

§ 2: a) d. quid T; damni dederint T; furtum fecerint U; Pampaloni Stud. Sen. 17, 259—260; — b) quid, damni dederint genuina censet Messina-Vitrano Note intorno alle az. 6.

§ 3: damnum dederit a) T; furtum fecerit U; Pampaloni Stud. Sen. 17, 259—260; — b) genuinum censet Messina-Vitrano Note intorno alle az. 6.

§ 4: 1. suo T; nautarum U; Schulz Wiener Ztschr. 38, 47 sq.;

2. a) d. culpae — relevabitur T; Eisele Arch. z. Pr. 84, 337; — b) d. culpae — adhibuit T; Messina-Vitrano Note intorno alle az. 25—29, 31, 43—45; Buckland Slavery 163; Schulz l. c.; — c) inter si — decesserint excidisse putat „nautae“ Messina-Vitrano l. c. 26; — d) d. et[2]; non T; Schulz l. c.;

3. d. nam — adhibuerit T; Messina-Vitrano l. c. 25, 29—31, 43—45; Pampaloni Stud. Sen. 17, 260 n. 29; Schulz l. c.

§ 6: 1. Haec — dabuntur T; a) Hoc iudicium intra annum utile est, et in heredem dabitur U; Pampaloni Stud. Sen. 17, 261 n. 30, 262; 16, 233; — b) Hoc iudicium quamvis honorarium sit, tamen perpetuum est, in heredem autem non dabitur U; Messina-Vitrano Note intorno alle az. 7—11, 19 n. 3;

D. nautae caupones stabularii 4, 9

2. inter si — servus excidisse putat „filius familias vel“ Pampaloni l. c.;

3. de peculio a) d. T; Pampaloni l. c.; — b) genuinum censet Messina-Vitrano l. c. 18—21;

4. inter dominum — nec excidisse putat „vel patrem“ Pampaloni l. c.;

5. nec intra annum; etiam; quasi — receperint a) d. T; Pampaloni l. c.; — b) genuina censet Messina-Vitrano l. c. 18—21, 20 n. 1.

D. de iudiciis: ubi quisque agere vel conveniri debeat 5, 1.

1: a) inter — iurisdictio: quaedam Ti esse susp. Jörs Pauly-Wissowa RE 5, 536; — b) iudicis — praeest; quaedam Ti esse susp. Pernice SZ 14, 136 n. 5; — c) iudicis T? Lenel Ulp. 194; — d. iudicis T? d. tribunali — vel T? Seckel s. v. praeesse 1, tribunal 2.

2 § 2: d. nisi — inhibita T; Faber Ration. ad h. l. (2, 1, 5); Kalb JL 69; Lenel Ulp. 212.

§ 3: 1. quaedam esse Ti susp. Faber Ration. ad h. l. (2, 1, 60);

2. a) eo quoque — respondere; quaedam esse Ti susp. Jörs Pauly-Wissowa RE 5, 526; — b) d. pulsantibus T; Krüger Dig. ad h. l.; — c) pulsantibus corr.; postulantibus U; *Βασῆς* Adnot. 164;

3. haec — est T; Albertario Contr. alla cr. del D. (Pavia 1911) 48.

§ 4: quaedam esse Ti putat Faber Ration. ad h. l. (2, 1, 8).

§ 5: Item — est verum: quaedam esse Ti putat Faber Ration. ad h. l. (2, 1, 9).

§ 6: 1. cavere — sisti a) T; Krüger Dig. ad h. l.; — b) T; vadimonium facere U; Lenel Ulp. 213; — c) genuina esse censet Kalb JBer. klass. Alt. Wiss. 134, 90;

2. d. alioquin — dent T; Bremer Jur. anteh. 2, 1, 198.

§ 7: 1. totum locum Ti esse putat Cuiac. 10, 713D; Faber Ration. ad h. l. (2, 1, 12); Lenel Ulp. 213;

2. quaedam esse Ti susp. Wissenbach Emblem. 24.

§ 8: d. nisi — est T; Cuiac. 10, 399A; Faber Ration. ad h. l. (2, 1, 14: D. 5, 1, 2, 9).

8: post verbum constituerit (lin. 31) excidisse „Iulianus ait“ Krüger Dig. ad h. l.

10: abstinere corr.? absistere U? d. plane — videtur T; Bes. 3, 8.

15 pr.: 1. quaedam esse Ti susp. Pernice Labeo 2, 2, 1, 171 n. 1;

D. de iudiciis: ubi quisque agere 5, 1

2. ante verbum Filius Tum quaedam delevisse susp. Lenel EP 209 n. 4; d. in tantam — dicebat T; Pampaloni Stud. Sen. 16, 233.

§ 1: legis corr.; litigatoris U; Bes. 1, 77; d. dolo (lin. 21) — sordes a) T? Seckel s. v. gratia 1b; — b) Gl; Bes. l. c.; — ante verbum ut excidisse „et magis est“ putat Bes. l. c.

18 pr.: hoc — periculo T; Solazzi Bull. 11, 184.

§ 1: 1. d. quia — commisit T; Eisele SZ 11, 16; Bes. 2, 4; inter ut — si excidisse putat „et“ Fuchs Krit. Studien 57; *Βασῆς* Adnot. 164;

2. a) d. forte — dignitatem T; Bes. 2, 4 et 170; — b) d. forte — agat T; Eisele l. c.

19 § 1: d. neque — habeat Gl? Lenel 1393.

§ 4: habuit corr.; habeat U; Savigny Syst. 8, 241 n. r. secundum Bethmann-Hollweg Versuche 1, 46.

21: 1. quaedam esse Ti susp. Ferrini Obblig. 597;

2. a) d. dandumque — est (lin. 30) T; Faber Coniect. 12, 16 (442, 1); Ration. ad h. l. (2, 1, 34); — b) d. cum — cautela T; Cuiac. 7, 140E; 8, 87A; 10, 392A; 10, 401D; 10, 428B; Grad. SZ 7, 64; Lenel Ulp. 1550; Ferrini l. c.; — c) d. modicum — est (lin. 30) T? Seckel s. v. modicus.

23: interpellatione T? Siber SZ 29, 62.

26: d. quod et — est T? Faber Ration. ad h. l. (2, 1, 40).

28 § 1: d. Trebelliani Gl; Lenel Paul. 1231; Krüger Dig. ad h. l.

§ 4: totum locum Ti esse putat Faber Ration. ad D. 5, 1, 2, 7 (2, 1, 13: D. 5, 1, 2, 8).

§ 5: d. quia — nasci T; Pernice Lab. 1, 373 n. 46; nec — debere T; Pernice apud Bremer Jur. anteh. 2, 2, 39 et 224.

29: octavo corr.; octavo decimo inscr. Lenel Paul. 1243.

32: 1. quaedam esse Ti susp. Wissenbach Emblem. 25;

2. praestita corr.; praestituta U et T; Keller Litis Contestation u. Urteil 139 n. 3;

3. a) d. quamvis — excedat T; Eisele Abh. 59; — b) magistratus T; consul U? legitimum tempus T; imperii annum U? Lenel Ulp. 2048; — c) d. ita — excedat T; Cuiac. 7, 130E, 10, 402C; Faber Ration. ad h. l. (2, 1, 47); cf. Keller l. c. 142 n. 7, 143 n. 8; — d) legitimum tempus T? Mommsen Jur. Schr. 3, 357, 358 n. 1.

33: iudicem (bis) T; magistratum M? Lenel Mod. 204, quod iam non probat.

36 pr.: inter est — propter excidisse „et“ putat *Βασῆς Κριτικά* 6.

38: 1. a) legatur — exigetur T; per damnationem legatur Lic.; Lenel Lic. Ruf. 8;

D. de iudiciis: ubi quisque agere 5, 1

Eisele SZ 18, 9; — b) d. si — exigetur T; Ferrini Legati 404;

2. a) d. si (lin. 24) — poterit[2] T; Ferrini l. c.; — b) si (lin. 24) — petetur T; quod autem per vindicationem legatur Lic.; Lenel l. c.; si autem per vindicationem legatum est Lic.; Eisele l. c.; — c) d. in — actionem T; vindicationem Lic.; etiam T; etiam hoc Lic.; Krüger Dig. ad h. l.; — d) d. etiam T? d. si (lin. 25) — res T? Segrè Studi Scialoja 1, 250; — e) sic — poterit: quaedam esse T^i susp. Lenel Wiener Ztschr. 37, 524; — f) d. sic — poterit Gl? Bes. 2, 133.

39 pr.: d. neque — est T; Schlossmann Litis contestatio 103 sq.

43: d. in — interest Gl; Beseler Ed. 47.

44 § 1: procuratorem T; cognitorem P; Lenel Pap. 421.

47: d. nisi — permittetur T; Faber Ration. ad h. l. (2, 1, 59); Eisele SZ 10, 300.

49 pr.: denuntiatus T; in ius vocatus P; Rabel Haftung d. Verk. 1, 16; evictionis T; auctoritatis P; Lenel Paul. 1458.

50 pr.: d. nisi — petitur T; Eisele SZ 13, 151.
§ 2: inter est — ut quaedam excidisse susp. Bes. 2, 32.

52 § 1: d. cum — comparationis T? Bes. 2, 86.
§ 2: quaedam esse T^i susp. Bes. 2, 37.

56: 1. quaedam esse T^i susp. Eisele Cogn. 173;
2. a) d. Licet — tamen T; Lenel Ulp. 2736 sec. Eisele; — b) procuratorem, procurator T; cognitorem, cognitor U; Keller Litis Contestation u. Urteil 332 n. 12.

57: 1. a) d. Tam — quam T; actio T; actio, si nemo eum defendit U; peculio et T; eo U; Pampaloni Stud. Sen. 16, 226; — b) post verbum actio inserendum esse censet D. 9, 4, 35, ubi post verba et si T verba „ex delictis" delevit; Duquesne Translatio 207 n. 1;
2. procurator T; cognitor U; Naber Mnem. 1898, 265 n. 1; Seckel Festg. f. Bekker 366, 367 n. 2; Duquesne l. c. et 211 n. 4; Krüger Dig. ad h. l.;
3. a) transactio T; translatio U; Lenel Ulp. 2873; — b) transactio vel corr.; translatio vel actio U? Seckel l. c.; Duquesne l. c.; — c) transactio vel corr.; transfertur vel actio U; Scialoja Dig. Milan. ad h. l.

63: quadragensimo corr.; quinquagensimo inscr. Lenel Ulp. 1391.

65: d. nec — reditura T; Perozzi Obbl. rom. 55 n. 2.

67: 1. inter est — quia excidisse „sed"; inter proinde — compellendus excidisse „emtor" putat Fuchs Krit. Studien 80;

D. de iudiciis: ubi quisque agere 5, 1

2. ei libertatem T; eum ingenuitati U; Pampaloni Bull. 17, 134 n. 40;
3. a) proinde — oportet; quaedam esse T^i susp. Koschaker SZ 29, 517; — b) exempla corr.; exemplo U; debere corr.; libertatem U; Krüger Dig. ad h. l.

72: d. quae praecesserint Gl; *Βασῆς* Adnot. 165; d. hoc — moderari T; Faber Ration. ad h. l. (2, 1, 83).

73 § 2: inter reus — conveniri excidisse „non" putat *Βασῆς* Adnot. 165; ut — possit T; ut lis perierit U; Naber Mnem. 1909, 430 n. 2.

75: 1. trigensimo corr.; quadragensimo inscr. Lenel Iul. 633; EP 398 n. 3;
2. quaedam esse T^i putat Faber Ration. ad h. l. (2, 1, 90 sq.);
3. debitum T; fideicommissum J; Naber Mnem. 1898, 266 n. 1; d. et hoc — approbatum T; Grad. SZ 7, 81.

79 pr.: iudicium T; ius U; Lenel Ulp. 2175 (nunc dubitat); Jörs Pauly-Wissowa RE 5, 536.
§ 1: d. haec — tribuit T; Vassalli miscell. crit. II 9.

81: quinto corr.; sexto inscr. Lenel Ulp. 2347; d. vel — est T; Faber Ration. ad h. l. (2, 1, 97); potuit corr.; poterit U; *Βασῆς* Adnot. 165.

D. de inofficioso testamento 5, 2.

1: 1. quaedam esse T^i putat Faber Ration. ad h. l. (2, 1, 99);
2. cognati — haberent genuinum censet Francke Noterb. 173;
3. d. cum — haberent T; Kübler sec. Krüger Dig. ad h. l.

2: 1. d. et hoc — est testamentum T; Eisele SZ 15, 261; dubitat v. Woess Erbrecht 193;
2. lin. 37: d. vel demens (bis) T? H. Krüger SZ 14, 263, 266; cf. Krüger Dig. ad h. l.

3: d. quod — praetereunt T; v. Woess Erbrecht 281 n. 6.

4: 1. totum locum (adhibitis fortasse nonnullis Gai verbis) T^i esse putat Lenel Gai 446;
2. quaedam esse T^i susp. Eisele SZ 15, 282 n. 2;
3. d. quod — corrupti T? Seckel s. v. inducere 3; v. Woess Erbrecht 281 n. 6.

5: d. cum — soleant T; Bes. 3, 76; iudicem genuinum censet v. Woess Erbrecht 195 n. 65.

6 pr.: 1. a) d. quid — haberet T; Bes. 3, 114; — b) iudicem T? alicuius magistratus U^m mentionem fecisse susp. Wlassak Pauly-Wissowa RE 6, 1944 lin. 4/5;

D. de inofficioso testamento 5, 2

2. testamentum — factum corr.; matris fatum U; Krüger Dig. ad h. l.

7 (inscriptio): septemviralibus genuinum censet Seckel s. v. septemviralis; contra Wlassak Proz. Ges. 1, 235 sq.; Quemadmodum—rescripsit: quaedam esse T^i susp.; d. quid ergo — habuimus T; Faber Ration. ad h. l. (2, 1, 111).

8 **pr.:** lin. 2: d. non Gl; *Βασῆς* Adnot. 165; patri corr.; patris U; Lenel Ulp. 489.

§ 1: rem — ordinatam T; sponsionem factam U? Lenel Ulp. 490.

§ 3: d. patris familias T; Fitting Castrense peculium 243.

§ 5: nisi — valet T; Albertario Fil. 1911, 810.

§ 8: et si — petere a) d. T; Faber Ration. ad h. l. (2, 1, 121); — b) genuinum censet Francke Noterb. 213.

§ 9: 1. d. sed an — hereditatem (lin. 29) T; Faber Ration. ad h. l. (2, 1, 123);

2. potest dici — hereditatem (lin. 29): quaedam esse T^i susp. Wissenbach Emblem. 26;

3. lin. 25: d. cum; placet — per libertates; nisi forte — hereditatem (lin. 29) T; Bes. 2, 37;

4. qui servos tantum T; qui servos duos tantum U; Cuiac. 7, 184 D.

§ 10: 1. quaedam esse T^i censet Faber Ration. ad h. l. (2, 1, 130—137);

2. a) d. et (lin. 32) — videatur T; Bes. 2, 87; — b) d. ego — videatur T; Francke Noterb. 326.

§ 11: 1. totum locum T^i esse censet Bes. 3, 166;

2. quaedam esse T^i censet Faber Ration. ad h. l. (2, 1, 138—143).

§ 14: ablatum corr.; oblatum U; *Βασῆς Κριτικά* 6 cf. Adnot. 185; contra *Μυλωνᾶς Ἐπιθεώρησις* 1908, 192; inter iniuria — fieri excidisse „fideicommisso“ putat Krüger Dig. ad h. l.

§ 15: 1. d. ex — possunt T; Naber Mnem. 1906, 372 n. 10; Bergman Adoptionsrecht 93 et n. 1;

2. a) d. quod si — concedendam T; Vassalli miscell. crit. I 59; — b) d. aut — aut T? Bergman l. c.; — c) ad inofficiosum T; ad sacramentum U; Naber Mnem. 1906, 371.

§ 16: 1. quaedam esse T^i censet Faber Ration. ad h. l. (2, 1, 148 sq.);

2. Si ex T; Non solum si centumviri, sed et si U? Lenel Ulp. 501 n. 1; iudex genuinum esse putat Wlassak Pauly-Wissowa RE s. v. centumviri 3, 1, 1944; Röm. Prozessgesetze 1, 215, 218 n. 30.

D. de inofficioso testamento 5, 2

§ 17: totum locum T^i esse putant Faber Ration. ad h. l. (2, 1, 149 sq.); Grad. Itp. 94; Kübler Festschr. f. Vahlen (1900) 575; de Medio Di un fallace criterio 10 sq.

9: 1. totum locum T^i esse censet Faber Ration. ad h. l. (2, 1, 151);

2. d. scilicet — praestandis T; Grad. Itp. 94;

3. quaedam esse T^i susp. Buckland Slavery 569.

10 **pr.:** a) d. humanius — apparebit T; H. Krüger SZ 19, 36; — b) d. nisi — apparebit T? Faber Ration. ad h. l. (2, 1, 152); Eisele SZ 15, 271 n. 2; Riccobono Lez. d'ist. di dir. Rom. 1906, 322 n. 5; v. Woess Erbrecht 248 (247 n. 74).

§ 1: d. nisi — administravit T; H. Krüger Wiener Ztschr. 21, 332 n. 59.

13: 1. quaedam T^{um} omisisse putat Francke Noterb. 307 n. 25;

2. ante si (lin. 18) excidisse „inofficiosum testamentum non valere: sed“ similiave putat Krüger Dig. ad h. l.; ante notam Pauli quaedam a T^o deleta esse susp. Schirmer Arch. z. Pr. 81, 134.

14: d. in — potest T; Bes. 3, 8.

15 **§ 2:** a) d. et ideo — videri T aut Gl; Berger Teilungsklagen 21; Bes. 3, 26; — b) d. nec — videri T? Bonfante Istituz.[3] (1902), 480, 2.

16 **pr.:** ante T; ante quinquennium P; Naber Mnem. 1906, 366.

17 **pr.:** a) d. quia — vocatur Gl? Lenel Paul. 1279; — b) d. quia — vindicasset T; Grad. sec. Krüger Dig. ad h. l.

§ 1: d. non idem — petuntur T; Faber Ration. ad h. l. (2, 1, 165).

19: 1. filia — esset T; qui repudiantis — crediderint (= fr. 17 pr. eod.) P; Naber Mnem. 1906, 368;

2. a) d. itaque — hereditatem (lin. 31) T; Bes. 2, 23 et 24 in n.; — b) verbum etiam ante verbum solam transfert; d. et optineat Gl; Lenel Paul. 1280; — c) d. quemadmodum — hereditatem; agendo — pertineat T; Naber l. c.; — d) d. praeterea — adiit T; Eisele SZ 15, 297; — e) inter ceterum — si excidisse „et“ putat *Βασῆς* Adnot. 165;

3. a) d. cum (lin. 32) — hereditatis T; Bes. l. c.; — b) d. ex quibus — hereditatis T? Eisele SZ 15, 299.

20: a) d. totiens — ali T? Segrè Mél. Girard 2, 590 n. 5; — b) d. nec aliam — exercere Gl; Bekker Aktionen 1, 273 n. 2.

D. de inofficioso testamento 5, 2

21 § 1: totum locum T[i] esse putat Faber Ration. ad h. l. (2, 1, 169).

22 § 1: 1. quaedam esse T[i] censet Faber Ration. ad h. l. (2, 1, 171);

2. quaedam T[um] delevisse susp. Krüger Dig. ad h. l.;

3. d. alii — parat et T; Solazzi Bull. 11, 166.

§ 2: quaedam esse T[i] censet Faber Ration. ad h. l. (2, 1, 171).

§ 3: 1. quaedam esse T[i] censet Faber Ration. ad h. l. (2, 1, 171);

2. d. non sum — est T; Bes. 3, 62.

23 § 2: inter testamento — egerunt delevit T „lege"; Huschke Rh. M. J. 6, 344 n. 145.

24: 1. d. quid enim — videbitur T? Faber Ration. ad h. l. (2, 1, 175);

2. d. Circa — querellam; quid — fuerunt T; inter fuerit — pro excidisse „factum"; inter intestatus — decessisse excidisse „defunctus" putat Bes. 3, 44.

25 pr.: a) d. aut si minus — est T; Gl. ordin.; T? Faber De error. 40, 5 (781, 2); Ration. ad h. l. (2, 1, 176); similiter fere Ferrini Pand. 778 n. 2; Mancaleoni Stud. Scialoja 2, 611 sq.; cf. Bes. 2, 24 in n.; contra Cugia don. mort. causa (1911) 57; — b) d. aut — repleatur T; Francke Noterb. 236; Lenel Ulp. 39; — c) inter habet aut — si minus a T[o] deleta sunt „si in testamento scriptum est ut"; deest T? desit ut U? v. Woess Erbrecht 253 sq.

§ 1: totum locum T[i] esse susp. Faber Ration. ad h. l. (2, 1, 177).

27 § 3: quaedam esse T[i] censet Faber Ration. ad h. l. (2, 1, 180).

28 (inscriptio): a) septemviralibus corr.; centumviralibus inscr. Haloander; — b) septemviralibus genuinum censet Seckel s. v. septemviralis contra Wlassak Proz. Ges. 1, 235 sq.

29: quinto corr.; sexto inscr. Bluhme ZGRW 4, 426; Lenel Ulp. 2349.

§ 3: d. sine — principis T? v. Wurmb Die Wirkungen der Annahme an Kindes Statt und ihre Anfechtung nach röm. R. (Diss. Berlin 1894) 42; Bonfante Della famiglia, Lezioni, Pavia 1903—1904, 53; Seckel s. v. femina.

31: 1. (inscriptio): a) septemviralibus corr.; centumviralibus inscr. Haloander; — b) septemviralibus genuinum censet Seckel s. v. septemviralis contra Wlassak Proz. Ges. 1, 235 sq.;

2. et — locus T; Bes. 3, 8.

§ 2: maxime — suo possideam a) d. T; Faber Ration. ad h. l. (2, 1, 191); Finestres Prael. ad tit. de inoff. test. cap. IX § 10; — b) genuinum censet Francke Noterb. 323.

D. de inofficioso testamento 5, 2

32 pr.: inter praebuit — procurationemve T[um] delevisse „aut cognituram" censet Seckel s. v. procuratio 2.

§ 1: 1. totum locum T[i] esse putat Faber Ration. ad h. l. (2, 1, 192);

2. inter enim — iudicium excidisse „eum agnovisse" putat Francke Noterb. 322.

D. de hereditatis petitione 5, 3.

2: sive per se a) d. Gl; Mommsen; — b) T[um] Ulpiani verba accommodando ea ad fr. praecedens corrupisse susp. Lenel Ulp. 507.

5 pr.: 1. quaedam esse T[i] susp. Schlossmann SZ 24, 325 n. 1;

2. nisi — satisdare a) d. T; Rudorff ZGRW 9, 41; Grad. Itp. 67 (qui tamen inductus a Lenelio hoc quoque evenire potuisse censet, ut T haec verba in locum satisdationis pro praede litis et vindiciarum substituisset); — b) genuinum censet Francke De her. pet. 27 n. 15;

3. a) d. et si — cautio T; Grad. Itp. 67; — b) etsi — cautio T; etsi pro praede litis et vindiciarum satisdatum sit U? Lenel Ulp. 478; EP 132.

§ 2: a) Eorum — sunt T; centumviralis iudicii U? Lenel Ulp. 482; Krüger Dig. ad h. l.; — b) Eorum iudiciorum T; centumviralis iudicii U; sec. Cuiac. (6, 341 B; 7, 215 D sq.; 8, 127 D; 9, 180 A) Velsen Exceptiones praeiudiciales (1896) 28.

6: 1. quaedam esse T[i] susp. Bes. 2, 92;

2. vel praestandum — dicatur T; praestandum est oblata cautione U; Naber Mnem. 1899, 271.

7 pr.: 1. totum locum T[i] esse putat Faber Ration. ad h. l. (2, 1, 202);

2. ex testamento T; ex testamento, quod inofficiosum dicitur U; de testamento cognituro T; Centumviris U; Naber Mnem. 1899, 267 sq.

§ 1: 1. quaedam esse T[i] censet Faber Ration. ad h. l. (2, 1, 204);

2. iudicium contestatum (lin. 9), iudicium (lin. 19), contestatum (lin. 20); genuina esse censet (aliter Faber) Wlassak Proz. Ges. 2, 36;

3. iudici T; Krüger Dig. ad h. l.; cf. Leonhard Erbschaftsbesitz 87; de testamento T; centumvirale U; Naber Mnem. 1899, 268;

4. totum locum genuinum censet Francke De her. pet. 124.

§ 2: 1. quaedam esse T[i] susp. Pissard Questions préjudicielles 160;

2. de testamento T; Centumvirale U; Naber Mnem. 1899, 268.

D. de hereditatis petitione 5, 3

9: d. vel ius T; vel rem hereditariam T; Di Marzo Scritti Moriani 2, 30 sq.

11 § 1—13 pr.: praedo — nec T; R. Leonhard Erbschaftsbesitz 46, 62.

12: d. nec — mendacium T; Bes. 3, 59.

13 § 1: 1. a) et (lin. 10) — nobis T; d. eum T; Riccobono SZ 31, 331 n. 4; — b) placet nobis T; Pampaloni Stud. Sen. 16, 41 n. 38;

2. inter § 1 et 2 T^um quaedam delevisse putat Francke De her. pet. 145 sq.

§ 2: d. id — restituit T; Pernice Labeo 2, 2, 1, 74 n. 1.

§ 4: a) quaedam esse T^i censet Faber Ration. ad h. l. (2, 1, 223 sq.); — b) utilem hereditatis petitionem genuinum censet Francke De her. pet. 152.

§ 5: a) quaedam esse T^i censet Faber Ration. ad h. l. (2, 1, 226 sq.); — b) utilem hereditatis petitionem genuinum censet Francke De her. pet. 152; — c) inter § 5 et § 6 quaedam T^um delevisse putat Francke De her. pet. 159.

§ 8: 1. a) totum locum T^i esse putat Faber Ration. ad h. l. (2, 1, 232) et ad D. 5, 3, 13, 4 (2, 1, 222); — b) utilem hereditatis petitionem genuinum censet Francke De her. pet. 152;

2. d. quasi — possidet; sed — tenetur T; Di Marzo Arch. giur. 70, 530; Scritti Moriani 2, 28.

§ 9: a) totum locum T^i esse putat Faber Ration. ad h. l. (2, 1, 232); — b) utilem hereditatis petitionem genuinum censet Francke De her. pet. 152.

§ 10: 1. a) totum locum T^i esse putat Faber Ration. ad h. l. (2, 1, 234); — b) utilem hereditatis petitionem genuinum censet Francke De her. pet. 152;

2. d. quidem; sed — teneri; et ipsam; directa; Marcellus — est T; Di Marzo Arch. giur. 70, 529 sq.

§ 11: 1. a) teneri T; non teneri U; Faber Ration. ad h. l. (2, 1, 234); Di Marzo Scritti Moriani 2, 28 sq.; — b) genuinum censet Francke De her. pet. 164;

2. d. quasi — possideat T; Di Marzo Scritti Moriani 2, 28 sq.

§ 12: d. ipsius — nequaquam T; Bes. 3, 139; nisi — potest T; Albertario Fil. 1911, 810; Bes. l. c.

§ 13: quasi possidentem T; ex doli clausula U? Lenel Wiener Ztschr. 37, 533.

§ 15: d. quasi — constat T; Di Marzo Scritti Moriani 2, 26 sq., 32 sq.

16 pr.: post damnari excidisse „Iulianus ait" putat Francke De her. pet. 187 n. 1.

§ 3: d. sed — potest T; Bes. 3, 139.

D. de hereditatis petitione 5, 3

§ 4: 1. inter hereditatem — posse an exciderit „non" dubitat Bes. 3, 178;

2. a) d. quasi — debet; et (lin. 34) T; Bes. l. c.; — b) d. quasi — possessore (lin. 33) T; Di Marzo Scritti Moriani 2, 26 sq., 34.

§ 5: d. ut — cedat T; Schulz SZ 27, 111.

§ 7: a) posse T; non posse J; d. quia — est; et; his — praestaturum; et² T; Schulz SZ 27, 111; — b) d. earum — solutae; sed his — vindicare T; Naber Mnem. 1894, 436 et n. 1; — c) d. et — est T; Di Marzo Scritti Moriani 2, 26 sq., 35; — d) d. sed his — vindicare T; Bes. 3, 179; — e) cum — vindicare α) d. T; Faber Ration. ad h. l. (2, 1, 242); — β) genuinum censet Francke De her. pet. 155.

17: 1. quaedam T^i esse susp. Francke De her. pet. 197;

2. a) d. licet; attamen — exerceat T; Grad. Itp. 94; cf. 232; SZ 26, 361; Ferrini sec. Krüger Dig. ad h. l.; — b) d. licet; attamen — exerceat T; Lenel Gai. 143; sed videndum, ne haec genuina sint: sed; secundum — ut; cedat; actionibus — exerceat; — c) d. licet; attamen — repetitionem; cum — datur; ipse — satisfaciat; autem T; Schulz SZ 27, 114; — d) d. sed cum — exerceat T; Faber Ration. ad D. 12, 6, 2, 1 (3, 1, 596).

18 pr.: 1. inter teneatur — quia excidisse „et secundum . . . . non tenetur" putat; d. male T; d. sed² T? d. nihil eum — videtur T; Bes. 3, 179;

2. a) d. mihi — videtur T? Faber Ration. ad h. l. (2, 1, 244); — b) genuinum censet Francke De her. pet. 201 n. 1.

§ 1: d. neque rei — erat T; possessor non erat U; Di Marzo Scritti Moriani 2, 26 sq., 35 sq.; recte — possedit: quaedam esse T^i susp. Bes. 2, 137.

§ 2: d. sive iura — sint T; Longo Stud. Scialoja 1, 626; Di Marzo Scritti Moriani 2, 36.

19 pr.: d. depositaeve T; de Ruggiero Bull. 19, 63; Seckel s. v. custodia 1 a α (p. 117 b); d. vel depositae T; de Ruggiero l. c.

§ 1: d. id — petitor T; Krüger Dig. ad h. l.

§ 2: servitutes T? iter actus P? Segrè Mél. Girard 2, 588 n. 1.

§ 3: d. sed — convenietur T; Arangio-Ruiz Arch. giur. 81, 393 n. 3.

20 § 2: sine corr.; sui U; Collinet NRH 33, 182 n. 1.

§ 4: Cum — Aquiliae T; Longo Stud. Scialoja 1, 624.

§ 5: suscepit — hereditatis: quaedam esse corr. aut T^i susp. Wenger Actio iudicati 67.

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§ 6: 1. multa — data: quaedam esse T^i susp. Bes. 2, 22 et 3, 8;

2. proposuit corr.; pater patriae SC; Rudorff RG 1, 117 n. 32;

3. esset corr.; Francke De her. pet. 223.

§ 6a: 1. fisco a) T; aerario U? Rudorff ZGRW 6, 422 n. 2; Krüger Dig. ad h. l.; — b) T; populo U; Kniep Soc. publ. 192; Mitteis RPR 1, 353 n. 10; — c) T aut U; „populo" aut „aerario" SC; Vassalli Stud. Sen. 25, 77 n. 8;

2. existimant corr.; existimassent U; Francke De her. pet. 224 n. 8.

§ 6c: a) inter etiamsi — fuerint excidisse „dolo malo" susp. Pernice Labeo 2, 1, 143 n. 2; — b) ante — contestatam T; ante hereditatem petitam SC; Bes. 2, 22 in n.

§ 6d: fisco T; aerario U; Messina-Vitrano Bull. 20, 239; Krüger Dig. ad h. l.

§ 7: 1. fisco (ter) T; a) populo U; Kniep Soc. publ. 192; Mitteis RPR 1, 353 n. 10; — b) aerario U; Krüger Dig. ad h. l.;

2. fiat T; hereditas caduca fiat SC; idem corr.; item SC; d. vel — habebit T; Bes. 2, 22 in n.

§ 8 et 9: d. et si — ambigit T; publica T; caducorum SC; Bes. 2, 22 in n.

§ 10: universitate T; successione U; Bonfante Stud. Scialoja 1, 553.

§ 11: 1. inter autem — hereditatem T^{um} delevisse „aerario" putat; d. nam — possessor; et puto — possessor esse T; Messina-Vitrano Bull. 20, 239 sq.; nisi — fecit T; Grad. Itp. 235; Lenel Ulp. 520; contra Kalb RJ 91;

2. inter § 11 et § 12 T^{um} quaedam delevisse putat Francke De her. pet. 241.

§ 12: a) d. sed (lin. 21) — controversiam T? Faber Ration. ad h. l. (2, 1, 256); — b) d. nisi — controversiam T; Messina-Vitrano Bull. 20, 233 n. 1, 236 n. 1.

§ 13: d. vel alios — iustos T; Biondi Annali di Perugia 1913, 31 n. 3.

§ 15: quaedam T^{um} delevisse susp. Francke De her. pet. 234.

§ 16: d. sed — praestentur T; Bes. 3, 84.

§ 17: 1. T^{um} quaedam delevisse susp. Francke De her. pet. 245;

2. d. sed — praestare T; Bes. 3, 179.

§ 19: d. quod — est T; Bes. 3, 148.

22: 1. quaedam esse T^i censet Faber Ration. ad h. l. (2, 1, 262);

2. inter pretium — in praedone excidisse putat „nam" *Βασῆς* Adnot. 166.

23 pr.: inter puto — sequentem quaedam excidisse putat Lenel Ulp. 524; inter consulti — etsi excidisse „sequendam" putat Francke De her. pet. 262 n. 1.

24: 1. T^{um} quaedam de summa sponsionis delevisse susp. Francke De her. pet. 266;

2. ad iudicium a) T; in ius P; (quod iam non placet) Lenel Paul. 314; — b) genuinum esse censet Wlassak Proz. Ges. 2, 44—47.

25 pr.: d. lucrum — praestaturum Gl; Grünwald Ordnung der die Worte lucrum usf. enthaltenden Stellen in den Pand., Heidelberger Diss. 1912, 39.

§ 2: a) quaedam T^i esse, de bonorum possessione sine re U^{um} scripsisse susp. (collato sch. 5 ad Bas. 42, 1, 25) Alibrandi Scr. dei greci interpr. 8 = Opere 1, 53; — b) T^{um} quaedam delevisse susp. Francke De her. pet. 278.

§ 3: inter § 3 et § 4 quaedam excidisse putat Francke De her. pet. 282.

§ 7: 1. totum fere locum esse T^i susp. Bes. 2, 98;

2. quaedam esse T^i susp. Wlassak SZ 25, 169 n. 1;

3. litem contestatam T; hereditatem petitam U; Bes. 2, 22 in n.;

4. a) d. omnes incipiunt — interpellatur T; Messina-Vitrano Bull. 20, 231 sq.; — b) d. et (lin. 24) — interpellatur T; Siber SZ 29, 58; Albertario, Hodie, Pavia 1911; cf. Bes. 2, 98;

5. d. hic — praeteritus T; Siber l. c.

§ 11: Consuluit — sunt T; „Eos autem" inquit „qui iustas causas habuissent, quare bona ad se pertinere existimassent, usque eo dumtaxat quo locupletiores ex ea re facti essent" U; d. si quid — putant T? d. quamvis — permutationis T? Bes. 2, 72.

§ 12: quinto corr.; quarto Lenel Marcell. 29.

§ 13: se deceperit corr.; esse coeperit U; Francke De her. pet. 295.

§ 15: 1. quaedam esse T^i susp. Cuiac. 5, 963 C;

2. coheredes corr.? coheredem U? Francke De her. pet. 296 n. 2;

3. a) d. sed (lin. 13) — dimidiam T; Faber Coniect. 18, 2 (734, 1; 735, 1); Ration. ad h. l. (2, 1, 273), ad D. 3, 5, 33 (34) (1, 419), ad D. 17, 1, 29, 5 (3, 3, 71); — b) d. tribus — decedere T; Seckel s. v. visio; Krüger Dig. ad h. l.; — c) visionibus T; Wissenbach Emblem. 28.

§ 16: 1. totum locum T^i esse putat Faber Coniect. 18, 3 (737 sq.); Ration. ad h. l. (2, 1, 273).

2. inter fideicommissi — nec excidisse putat a) „causa si" Krüger Dig. ad h. l.; — b) „causa quum" Francke De her. pet. 299 n. 1; redisse corr.; redisset U; Francke l. c.;

D. de hereditatis petitione 5, 3

Krüger l. c.; d. et nunc — erogasset T; Krüger l. c.

§ 17: 1. totum locum T[i] esse putat Faber Ration. ad h. l. (2, 1, 275);

2. quaedam esse T[i] susp. Velsen Exceptiones praeiudiciales (1896) 44; Pfersche Privatrechtliche Abhandlungen 373;

3. post verbum venum dedit quaedam excidisse putat Pissard Questions préjudicielles 84;

4. a) d. quamquam — habent T; Pissard l. c.; — b) nisi corr.; licet U; Francke De her. pet. 309; — c) d. nisi — habent T; Mommsen Dig. ad h. l.; Lenel Ulp. 526; Eisele SZ 10, 301; — d) nisi — habent genuinum censet Cuq Inst. 2, 647 n. 9; — e) nisi genuinum censet Vangerow Pand.[7] 2, 352; Dernburg Ueber das Verhältnis der hered. pet. 99;

5. a) quid tamen — emptorum genuinum censet Dernburg l. c.; — b) ex persona emptorum T? Pissard l. c.;

6. quarto corr.; sexto Pernice Ulpian als Schriftsteller 462 n. 2; Krüger Dig. ad h. l.

§ 19: a) totum locum T[i] esse putat Bes. 3, 26; — b) d. ne — non possint T; Berger Teilungsklagen (1912) 17 sq.

27 pr.: quippe — hereditaria T; itaque U; Bes. 2, 86.

30: a) d. atquin — petitoris T; Bes. 2, 22; — b) d. quid — potest Gl; Bes. 1, 63; — c) id est — facienda T; quod T; quae P; deberetur T; deberentur P; Schulz SZ 27, 113 sq.

31 pr.: a) d. quod (lin. 34) T; quis (lin. 34) T; qui U; defensum iri T; defensurum U; d. sed an — debebit T; Bes. 3, 179; — b) d. nisi — nomine; condictionem — debebit T; Pernice Labeo 3, 1, 205 n. 1, 241 n. 1; Schulz SZ 27, 115; — c) inter caverit — se excidisse „a“ susp. sec. Brencmann Francke De her. pet. 322 n. 1.

§ 1: d. praedoni T; Bes. 3, 180.

§ 2: totum locum T[i] esse putat Bes. 3, 180.

§ 3: inter facere — debuit excidisse putat „quid“ Bes. 3, 180; d. nisi — praedo est T; Messina-Vitrano Bull. 20, 241 sq.; Bes. l. c.

§ 4: totum locum T[i] esse putat Bes. 3, 180 et 114.

§ 5: d. si bonae — non T; Bes. 3, 180.

33 § 1: d. imputaretur — distraxisset T; Bes. 3, 114; d. fortassis T; inter pretium — sed excidisse „praestandum illum existimavisse“ putat Bes. 3, 84; d. et — est T; Collinet NRH 24, 377 n. 1.

34 § 1: quasi — possessore a) d. T; Cuiac. 5, 268 A; Di Marzo Scritti Moriani 2, 26 sq., 36 sq.; — b) genuinum censet Francke De her. pet. 336 n. 1.

35: d. quasi — possessore T; Di Marzo Scritti Moriani 2, 26 sq., 38.

36 § 1: a) adrogandum — praestavit T aut P? in adoptionem se dedit P? Seckel s. v. praestare i. f.; — b) adrogandum — praestavit T; Kalb JL 77; contra Kalb RJ 138; — c) praestavit α) T; Krüger Dig. ad h. l. — β) genuinum censet Francke De her. pet. 340 n. 2.

§ 4: genuinum censet Francke De her. pet. 354.

38: 1. quaedam T[i] esse susp. Faber Ration. ad h. l. (2, 1, 295 sq.);

2. d. necessariis et utilibus T; Grad. apud Grünwald (cit. ad l. 25 pr.) 45;

3. a) d. sed — sit T; Riccobono Riv. dir. civ. 3, 50, 57 n. 4; Bull. 7, 252; 18, 202 n. 6; Segrè Stud. Scialoja 1, 278 n. 2; — b) d. sed — continebitur T; Grünwald l. c.; — c) d. sed — facere T? d. plane — esse T? d. quidem T? d. omnimodo T? d. praedo — sit T? Seckel s. v. omnimodo; cf. s. v. exceptio 3 Bacc [p. 183 b], ubi et id — desideratur genuina putat; — d) d. sed — facere T; Ferrini Pand. 438 n. 3;

3. a) sed — desideratur genuina esse censet Kalb JBer. klass. Alt. Wiss. 98, 230; — b) d. et id — desideratur T; Bes. 2, 72 sq.

39 pr.: totum locum T[i] esse susp. Faber Ration. ad h. l. (2, 1, 296).

§ 1: a) rem — possint T? (quod iam alii animadverterant); Segrè Stud. Scialoja 1, 278 n. 2; — b) d. ut — possint T? Pernice Labeo 2, 1, 390.

40 pr.: 1. plura esse T[i] susp. Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 54;

2. a) d. interdum — relinquere T; Bes. 2, 138; — b) d. interdum — ea; hoc iustum esse; in praedonis — relinquere Gl aut T; Bes. 1, 63; — c) d. quia — ea T; Schulz SZ 32, 87 n. 1; in praedonis — Cassius T; et recte P; Schulz SZ 32, 86 sq.

§ 2: 1. veluti — concessit T; Albertario Riv. ital. 52, 25;

2. an quaedam T[i] sint dubitat Bes. 3, 150 in n.

§ 4: d. sicut — clam T; Albertario Riv. ital. 52, 25; Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 192.

41 pr.: 1. a) fideiussores T; sponsores G; Lenel Gai. 147; — b) fideiussores genuinum censet Kniep RG 164;

2. ut — caveat T; Grupe sec. Krüger Dig. ad h. l.

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45: 1. quaedam T[i] esse susp. Ferrini Pand. 433 n. 2;
2. a) d. condemnatur — optulit T; Lenel Cels. 27; — b) d. nisi — deceptus T; H. Krüger Arch. f. lat. Lexikogr. 10, 252; — c) d. eius T; Krüger Dig. ad h. l.

48: 1. In¹ — hereditate: quaedam T[i] esse susp. Vassalli miscell. crit. I 48;
2. aestimationibus T; stipulationibus J; Lenel Javol. 14;
3. a) d. si ea — accepit T; Vassalli l. c.; — b) d. sin — accepit T; Albertario Contr. alla cr. del D., Pavia 1911, 32.

49: 1. quaedam esse T[i] susp. Bes. 2, 38;
2. d. bonae fidei T; Naber Mnem. 1899, 280; Krüger Dig. ad h. l.; in rem T; interim U; Naber l. c.; d. quid enim — sciat Gl; Bes. 1, 64.

50 § 1: 1. quaedam esse T[i] susp. Pernice Labeo 3, 1, 237 n. 4;
2. genuinum censet Mitteis RPR 1, 198 n. 11;
3. quia — est genuinum censet Segrè Stud. Scialoja 1, 279 n. 1; Stud. Brugi 404 sq.; d. utique — excedat T; Eisele SZ 30, 110; doli exceptione a) d. T? Seckel s. v. retinere 3; — b) corr.; doli exceptionis P; Cuiac. 4, 120 A; 10, 404 B; Francke De her. pet. 378 n. 1;
4. a) d. aut T? d. aut — repetiturum T; d. veluti — gesto T? d. stricto iure T? d. principali vel T? Segrè l. c.; — b) d. aut; aut — gesto T; Riccobono Bull. 20, 253.

51 pr.: a) d. exceptis — sunt T; Cuiac. 4, 886E; — b) d. exceptis — potest T; Faber Ration. ad h. l. (2, 1, 312 sq.).

53: quaedam esse T[i] susp. Lenel Paul. 1819.

56: totum locum esse T[i] putat De Medio Arch. giur. 68, 221.

57: 1. revictus corr.; victus U; Francke De her. pet. 404 n. 1;
2. defendit corr.; defendat U; Francke l. c. 407 n. 2;
3. a) d. sed — victorem T; Faber Ration. ad h. l. (2, 1, 320); Pernice apud Bremer Jur. anteh. 2, 2, 331; — b) d. vel satisdatione T; de Ruggiero Stud. Fadda 2, 104 in n.

58: ex ea possedit corr.; ex ea percepit S; Francke De her. pet. 429 n. 1; sed corr.; sed et S; Lenel Scaev. 9; d. nihilo — hereditatem T; etsi — consuli T; posse S; Bes. 2, 72.

D. si pars hereditatis petatur 5, 4.

1: quinto corr.; quinto decimo inscr. Lenel Ulp. 538.

D. si pars hereditatis petatur 5, 4

1 pr.: an totus locus genuinus sit dubitat Bes. 3, 59 sq.
§ 2: pro herede corr.; heredis U; Krüger Dig. ad h. l.
§ 3: d. et fortassis — fieri T; d. sed — est T; Bes. 3, 84 sq.
§ 4: d. et ideo — peto T; Bes. 3, 84 sq.
§ 5: d. non — concedi T; Eisele SZ 18, 16.

2: pertinerent corr.; pertinent G; Krüger Dig. ad h. l.

3: d. id est — adsignaverint T aut Gl; Ferrini Riv. ital. 14, 273 n. 1.

8: a) d. nec — facere T; Bes. 3, 142; — b) nec corr.; nihil J; Krüger Dig. ad h. l.

9: d. hereditatem — pervenisset; et nihilo — condemnarent T; Bes. 3, 79.

10: d. iuris T; Di Marzo Scritti Moriani 2, 38.

D. de possessoria hereditatis petitione 5, 5.

2: Per — petitionem T? Lenel EP 177; Biondi Annali di Perugia 1913, 22 (estr.).

D. de fideicommissaria hereditatis petitione 5, 6.

3 pr.: d. vel — successor T; Biondi Annali di Perugia 1913, 31 n. 3 (estr.).

D. de rei vindicatione 6, 1.

1 pr.: actio T; formula U; Lenel Ulp. 546.
§ 2: 1. quaedam esse T[i] susp. Demelius Exhibitionspflicht 246;
2. Romano T; Quiritium U; lege T; iure U; Savigny Syst. 5, 22 not. m; Lenel Ulp. 546.

2: 1. quaedam T[i] esse susp. Ferrini Pand. 432, 1;
2. d. eius Gl; Brenkmann apud Peters SZ 32, 376;
3. inter alieno — nihilo excidisse „alius“ putat Pampaloni Riv. ital. 10, 289.

3 pr.: 1. multa T[i] esse susp. Ferrini Pand. 287, 1;
2. lin. 23: qui¹ — qui² T; qui in bonis ea habebat vel U? Lenel Ulp. 547;
3. aliena genuinum esse censet Exner Tradition 226.

4: d. furti et T; Collinet NRH 34, 160.

5 pr.: quaedam T[i] esse putat Bachofen Pfandrecht 1, 67 n. 2.
§ 1: 1. quaedam esse T[i] susp. Bachofen Pfandrecht 1, 67 n. 2; Pernice Labeo 2, 1, 321 (322) n. 3;
2. genuinum esse censet Cuq Instit. jurid. 2, 233 n. 5;

D. de rei vindicatione 6, 1

3. d. quoniam — continet T; Perozzi Ist. 1, 434 n. 5 cf. Bull. 3, 233 sq.;

4. a) d. agetur — actio T; Ferrini Pand. 282, 1; — b) d. actio T; Krüger Dig. ad h. l.; Segrè Mél. Girard 2, 578 n. 1.

§ 3: 1. quaedam esse T^i susp. v. Mayr C. 266, 267;

2. d. utilem — dabant T; Lenel EP² 181 n. 10;

3. utilem — dabant T; in rem agi non posse aiunt U; Riccobono Bull. 18, 211;

4. d. in rem T; Mancaleoni Studi Sassaresi 1, 46; Seckel s. v. utilis (p. 610 a);

5. in rem genuinum esse putat Erman Mél. Appleton 257, 3; 263, 1.

6: 1. Quaedam T^i esse putat Bachofen Pfandr. 1, 67 n. 2;

2. a) d. nam — nova T? Seckel s. v. inhumanus; — b) d. nam — est T; H. Krüger SZ 19, 38.

8: d. quae distinctio — potest T; Bes. 3, 85.

9: 1. quaedam T^i esse susp. Bachofen Pfandrecht 1, 67 n. 2;

2. a) d. officium — possideat T; Lenel Wiener Ztschr. 37, 540; — b) officium — iudex T; Kübler SZ 29, 487;

3. a) d. ubi — exceptionem T; Siber Passivlegitimation 26, 31; Bes. 2, 5; — b) genuinum censet Lenel l. c.;

4. quidam — utrubi: quaedam T^i esse putat Bes. 1, 20; 2, 5;

5. a) d. apud — aut T? Seckel s. vv. possidere [p. 440 a], vindicare [p. 626 b]; — b) d. vel commodata T; de Ruggiero Bull. 19, 54; — c) denique — non posse: quaedam T^i esse susp. Stintzing Festschr. f. Wach 2, 328;

6. inter qui — legatorum excidisse „rei servandae vel“ putat Seckel l. c.;

7. d. vel commodata — cavebatur T? de Ruggiero l. c.;

8. a) d. vel — possident T; Lenel l. c.; — b) cui corr.; quia U? cavebatur T; cautum esset U? d. quia — possident T? Seckel l. c.;

9. d. puto — posse T; Siber l. c.; H. Krüger Wiener Ztschr. 36, 405; Stintzing l. c. 334.

10: quaedam T^i esse censet Bes. 1, 41.

11: quaedam T^i esse susp. Bes. 1, 41; Krüger Dig. ad h. l.

12: quaedam T^i esse susp. Bes. 1, 41.

14: vicensimo corr.; vicensimo primo inscr. Lenel Paul. 331; d. itaque — consequatur T; Eisele SZ 13, 135.

15 § 1: d. rem — et si; aeque T; Bes. 3, 85.

§ 3: 1. d. sed — lucratus T; Faber Coniect. 16, 19 (669, 1); Schulz SZ 32, 85;

D. de rei vindicatione 6, 1

2. sed — lucratus: quaedam esse T^i (d. si forte — accepisset T) susp. Pernice Labeo 2, 2, 1, 21 n. 2; 140 n. 1, 4.

16 pr.: stipulationem de evictione T; auctoritatis actionem P; Mitteis Wiener Ztschr. 17, 37; Rabel Haftung d. Verk. 1, 27.

§ 1: d. nisi — commisit T; Schulz Wiener Ztschr. 38, 53.

17 pr.: lin. 41: sexto² corr.; septimo? Lenel Ulp. 555 n. 1; EP² 180 n. 9.

§ 1: (ut Iulianus) scribit corr.; Scribat U; *Βασῆς* Adnot. 166.

18: tradere T; mancipare G; Savigny Syst. 4, 573 n. b.; 6, 56 n. c.; Grad. SZ 6, 65; Lenel Gai. 150.

20: traditio T; mancipatio G; Lenel Gai. 150; Riccobono Lezioni d'ist. di dir. rom. 1906, 318 n. 4.

21: d. requiremus — custodire T? inter quo — possedit excidisse putat „post litem contestatam“; d. ut nihil — ea re Gl? d. quo — id esse T? d. si vero — cedat T? d. in his — absolvitur T; Bes. 3, 181 sq.; lin. 38: d. quod — est T; Collinet NRH 24, 377 n. 1.

23 § 1: quaedam esse T^i susp. Bachofen Pfandrecht 1, 67 n. 2.

§ 2: quaedam esse T^i susp. Bachofen Pfandrecht 1, 67 n. 2.

§ 3: 1. d. necesse est — potest T; Bes. 3, 132;

2. sed necesse — cedi corr.; necesse est materiae cedere Krüger Dig. ad h. l.

§ 4: 1. d. In omnibus — effici T; Bes. 3, 132;

2. praevalentiam T? Seckel s. v. praevalentia;

3. meamque genuinum esse censet Pernice Krit. Vierteljahrsschrift 7 (1865) 111 in adnotatione contra Baron qui „meamve“ scr. putabat.

§ 5: 1. quaedam T^i esse susp. Bachofen Pfandrecht 1, 67 n. 2;

2. d. ideoque — est T; Grad. Itp. 64 cf. 233; Bremer Jur. anteh. 2, 2, 65; T? Mancaleoni Studi Sassaresi 1, 40; Riccobono Bull. 18, 209; Collinet NRH 34, 161—162;

3. eveniret corr.; eveniet P; *Βασῆς* Adnot. 167.

§ 6: a) d. nisi — descendit T; Bes. 2, 17; — b) d. nisi — aedibus T; Eisele SZ 13, 120.

24: d. et — compellere T; Eisele SZ 13, 135.

25: d. nec — quo minus possideret T; Siber Passivlegitimation 17; Lenel Wiener Ztschr. 37, 535.

27 pr.: a) et ideo — condemnandus est T; ex doli clausula tenetur similiave P? Lenel

D. de rei vindicatione 6, 1

Paul. 330; Wiener Ztschr. 37, 534; — b) d. sin autem T; d. et hoc — probavero (sec. Lenelium) T; Albertario Contr. alla cr. del D. (Pavia 1911) 43.

§ 1: 1. quaedam T[i] esse susp. Savigny Syst. 6, 75 n. b.; Lenel Wiener Ztschr. 37, 531;

2. utique et litis contestatae tempore corr.? utroque tempore, id est et litis contestatae P? Bes. 2, 139;

3. absolvendus — item T; P eadem fere quae D. 5, 3, 40 pr. extant rettulisse videtur; Partsch de l'édit 26 n. 1;

4. d. probanda — condemnetur T; Bes. 2, 137.

§ 3: 1. totum locum T[i] censet Bes. 1, 27; 2, 134; Grad. Festg. f. Güterbock 305;

2. d. idque — deduci T; Faber Ration. ad h. l. (2, 1, 383);

3. d. cum — deduci T? Pernice Labeo 2, 2, 1, 69 n. 1;

4. tenetur T; non tenetur U; d. cum — deduci T; Lenel Wiener Ztschr. 37, 537.

§ 5: d. nisi — aedificium T; Pernice Labeo 2, 1, 383/384; Ferrini Pand. 393, 2; Riccobono Bull. 9, 245; neque T? non P? d. nec — diximus T; Pernice l. c.

28: d. officio iudicis T; Pernice Labeo 2, 1, 235 n. 2; Seckel s. v. exceptio [p. 183b].

29: quaedam esse T[i] susp. Di Marzo Saggi critici sui libri di Pomp. ad Q. M. 91.

30: aut si T; nisi G; Lenel Gai. 152; — b) genuinum esse censet Seckel s. v. exceptio [p. 183b].

35 § 1: 1. quaedam T[i] esse susp. Bachofen Pfandrecht 1, 67 n. 2;

2. sententia declaravit T; pronuntiavit P; possessorem condemnare T; arbitrari P; condemnaturum T; arbitraturum P; d. et quare — restituisset T; Bes. 2, 140.

36 pr.: 1. d. vel — possidere T; Siber Passivlegitimation 14;

2. genuinum esse censet Partsch de l'édit 34 n., nunc dubitat.

§ 1: culpae autem reus est T; ut puta G; Bes. 2, 85.

37: 1. octavo corr.; septimo U; Pernice Ulpian als Schriftsteller 448 n. 4, 462 n. 2; Lenel Jul. 95 (quod iam non probat);

2. d. nisi — sollicito T; Pernice Labeo 2, 1, 384; Riccobono Bull. 8, 254 n. 2;

3. d. sed — posuit T; Faber Ration. ad h. l. (2, 1, 397); Ferrini Pand. 393, 2; Pernice Labeo l. c.; Riccobono Riv. di dir. civ. 3, 57 n. 5; Cuq Inst. jurid. 2, 262, 1.

38: a) d. sufficit — condemnandus es T; Ferrini Pand. 437 n. 4; Seckel s. vv. fingere 3, inducere 1a, indulgere 1, malitia, pingere (pictura b), tectorium, tollere 2; — b) d. dum — potestas T; Riccobono Rivista di dir. civile 3, 58 n. 1; Bull. 9, 244; — c) d. constituimus — condemnandus es T; Faber Ration. ad h. l. (2, 1, 400); Pernice Labeo 2, 1, 61sq., 65 n. 4d, 294; — d) sufficit — possis genuinum censet Pampaloni Arch. giur. 55, 506; — e) dum — aedificatum; neque malitiis — officias genuinum censet Kalb Jagd 18 (28); JBer. klass. Alt. Wiss. 109, 69; — f) d. constituimus — potestas T; cetera genuina putat Erman SZ 25, 359 sq.

41 pr.: 1. d. si quis — sed et T; Bes. 3, 143;

2. d. iam non T; d. et T; A. Kohler Arch. f. bürg. R. 15, 15;

3. d. sed — poterit Gl; Krüger Dig. ad h. l.

§ 1: d. voluntate domini T; Bonfante Istituz. di dir. rom.[4] (1907) 242, 1.

42: d. si in rem actum sit T; Bes. 1, 28.

43: quod si — constat vix esse Pauli censet Lenel Paul. 423 (immo: similiter — repetere T; dominum eos repetere non P) Lenel Paul. 423.

44: vicensimo corr.; decimo inscr. Krüger Dig. ad h. l.

45: quaedam esse T[i] susp.? Pernice Labeo 2, 2, 1, 88; Pfersche Privatrechtliche Abhandlungen 210—214.

46: 1. quaedam T[i] esse susp. Bachofen Pfandrecht 1, 67 n. 2;

2. decimo corr.? tertio decimo inscr.? Lenel Paul. 1826; videor corr.; videtur P; Faber de error. 75, 3; Bertolini Della transazione sec. il d. r. (Torino 1900) 39; constituit corr.; constitui P; *Βασῆς* Adnot. 166.

47: quaedam T[i] esse susp. Bes. 1, 56.

48: d. exceptione doli posita T; Pernice Labeo 2, 1, 235 n. 2; Ferrini Pand. 437, 2; genuinum censet Seckel s. v. exceptio [p. 183b]; d. per — iudicis T; Seckel l. c.

50 § 1: hereditati corr.; hereditate C; *Βασῆς* Adnot. 167.

51: d. culpa — et Gl; Bes. 1, 36.

52: in rem actionem T; ex clausula doli iudicium J; Bes. 1, 28.

57: d. vel satisdaret T; de Ruggiero Studi Fadda 2, 104 n.

58: 1. Alfeni vel Pauli orationem ita mutatam esse, ut genuina forma ne divinari quidem possit censet Bremer Jur. anteh. 1, 192;

2. condemnatus T; contra se pronuntiatum P; Bes. 2, 140; iudicium factum T; sententia dicta (vel similia) P; Pernice apud Bremer Jur. anteh. 1, 307; pronuntiatum P; Bes. 2, 140.

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61: Minicius interrogatus; Minicius: Interrogatus J? Scialoja Dig. Milan. ad h. l.

63: d. quoniam T; d. audiendus — cedat T? aut: d. audiendus — adiuvari T? d. nec — restituere T? aut: d. facile; periculo iudicati T? Bes. 3, 181.

65 pr.: a) d. exceptione — posita T; Pernice Labeo 2, 1, 290; — b) genuinum censet Bes. 2, 18.

§ 1: quaedam T^i esse censet Bes. 2, 18.

68: 1. totum locum T^i esse putat Faber Coniect. 15, 1 (541, 2; 543, 1); 16, 15 (653); 16, 17 (656—57); De error. 7, 7 (229, 2); Ration. ad h. l. (2, 1, 429); Iurisp. pap. 12, 7, 83 (907);

2. totum locum genuinum esse censet Kniep Besitz 339, 383;

3. quaedam esse T^i susp. Savigny Syst. 5, 123 n. d.; Rudorff RG 2, 307 n. 14; Dernburg Pand. 1, 308 n. 3; Pfandrecht 2, 311 n. 8; Keller Pand. 1^2, 325 n. 19; Pfersche Privatrechtliche Abhandlungen 194;

4. a) edictum corr.; Sabinum inscr. Lenel Ulp. 2987; genuinum censet Kniep Besitz 339; — b) d. manu militari T; Ferrini Pand. 435, 1; — c) d. si quidem — restituere T; Lenel l. c.; — d) si quidem — transfertur T; Cuq Inst. jurid. 2, 258, 8; — e) d. in infinitum T; Siber Passivleg. 167; — f) d. haec — habet T; Eisele Comp. 352, 101; Lenel l. c.; Cuq l. c.; Kniep Besitz 383.

69: quaedam esse T^i susp. Pfersche Privatrechtliche Abhandlungen 194.

72: a) tradiderit T; mancipaverit U; Lenel Ulp. 564 n. 6; — b) genuinum esse censet Naber Mnem. 1894, 241.

73 § 1: 1. totum locum T^i censet Bes. 1, 103;

2. Superficiario T; Albertario riv. it. 50, 87; Il pegno della superficie (Pavia 1911) 19 (hodie reputat hanc actionem a praetore, non a T^o, superficiario datam).

74: quaedam T^i esse susp. Bes. 1, 103.

75: sexto corr.; septimo inscr. Lenel Ulp. 583 n. 4; praetor — pollicetur T; Albertario Il pegno della superficie (Pavia 1911) 19 (hodie reputat hanc actionem a praetore, non a T^o, superficiario datam).

76 § 1: post actio excidisse „quantam partem paret in eo homine quo de agitur actoris esse" putat Kniep Besitz 398.

77: 1. quaedam omisit T; Ferrini Pand. 326, 4;

2. quaedam esse T^i susp. Kniep Vac. poss. 335;

3. d. posse — colonam T; Collinet NRH 34, 162—163.

78: perfecti T; perfecte P; ita percipi T; percipi ita P; Naber Mnem. 1894, 440 n. 5.

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80: 1. quaedam T^i esse susp. Bachofen Pfandrecht 1, 67 n. 2; Ferrini Pand. 433, 4;

2. d. quia — approbaverit T; Grad. SZ 7, 81.

3. iudicem genuinum esse censet Rudorff ZGRW 9, 28f. [30].

D. de Publiciana in rem actione 6, 2.

1 pr.: 1. quaedam esse T^i susp. Riccobono Fontes iuris rom. anteiust. 1, 278 n. 2;

2. Si — dabo T; Ei qui bona fide emit talem formulam (aut: formulam in hunc modum conceptam) dabo: Si quem hominem A^s A^s emit et is ei traditus est, anno possedisset, tum si eum hominem, de quo agitur, eius ex jure Quiritium esse oporteret etc. U; Appleton Hist. de la Prop. prét. 1, 83 sq. sec. Schirmer Krit. Vierteljahrsschr. 18, 349 sq.; nunc dubitat;

3. Si — petet T; Ei, qui ex iusta causa traditam sibi rem nondum usucepit eamque amisit, amissam autem possessionem petit U; Kniep RG 258;

4. id — domino T; id quod mancipatur traditum ex iusta causa a domino U? Lenel Ulp. 561 n. 1; id quod mancipio datur traditum ex iusta causa U; Lenel EP² 165; SZ 20, 19;

5. d. id — traditur; usucaptum T; rem traditam sibi; usucaptam U; Bonfante Istituz. di dir. rom.³ (1902) 281; Lez. sul possesso, Pavia 1906, 2, 156; Albertario Actio comm. div. (Pavia 1913) 32;

6. traditur — domino et T; bona fide emit [aut „emerit" aut „emisse dicetur"] U; Perozzi Bull. 7, 45;

7. traditur T; mancipatur traditum U; d. non T; Lenel Beiträge zur Kunde des prätorischen Edicts 1 sq., 13, 30;

8. traditur T; traditum U; inter causa — non excidisse „et" (etsi, vel, licet); inter domino — nondum excidisse „et" (etsi, vel, licet) putat v. Seeler SZ 21, 60; reprobat Erman SZ 23, 449;

9. traditur T; tradit'er (traditum erit) U? Erman SZ 11, 232, 243; SZ 23, 449;

10. inter traditur — ex excidisse „vel mancipatur traditum" putat Appleton Hist. de la prop. prétorienne 1, 87; nunc dubitat; forte scr.: traditum erit U sec. Erman l. c.; aut: traditum est U;

11. traditur corr.; traditum U; domino — nondum corr.; domino sive cum mancipi esset nec mancipatum vel in iure cessum a domino est, nondum U; Huschke Publ. Kl. 7, 8;

D. de Publiciana in rem actione 6, 2

12. d. non — et T; Pernice Labeo 2, 1, 341 sq.;

13. d. non — domino T; Appleton (post alios) Hist. de la prop. prétorienne 1, 71—74;

14. non a domino genuinum esse censet Vangerow Pand.[7] 1, 664.

§ 2: a) Sed — legatum T; Sed cur emptionis U; Perozzi Bull. 7, 71 sq.; — b) d. Sed — legatum T; Bes. 2, 88; — c) ut — legatum T; utputa mancipatio, in iure cessio, legatum per vindicationem relictum U? Lenel Beiträge zur Kunde des prätorischen Edicts 38; Ulp. 562 n. 2; — d) traditionis — legatum genuinum censet Kalb JBer. klass. Alt. Wiss. 98, 298.

2: a) d. quia — capiuntur T; Carusi L'azione publiciana 149; — b) d. nam — capiuntur T; Perozzi Bull. 7, 71 sq.; — c) genuinum censet Kalb JBer. klass. Alt. Wiss. 98, 298.

3 pr.: a) Sunt — pleraeque T; verba Ulpiani quae fuerint v. Lenel ad D. 6, 2, 1, 2; quam coniecturam reprobat Perozzi Bull. 7, 71 sq.; — b) genuinum censet Kalb JBer. klass. Alt. Wiss. 98, 298.

§ 1: 1. a) d. Ait — utitur Publiciana T; Perozzi Bull. 7, 62 sq.; — b) genuinum censet Kalb JBer. klass. Alt. Wiss. 98, 298;

2. ex iusta causa T; traditum ex iusta causa U; Lenel Ulp. 563; Beiträge zur Kunde des prätorischen Edicts 38; EP[2] § 60 (59);

3. d. est enim iustissima causa T; Perozzi l. c.

7 § 3: d. ex lucrativis causis T; Di Marzo Bull. 15, 113; Grünwald Heidelberger Diss. 1912, 191, 60; ex donatione U; Grünwald l. c.; d. est enim — accepit T; Perozzi Bull. 7, 62 sq.

§ 6: totum locum T[i] esse susp. Bes. 3, 128.

§ 7: Inter Sed — si „et" excidisse putat *Βασῆς* Adnot. 167; d. non ut — actionem Gl; *Βασῆς* l. c.

§ 9: d. et[1] T; d. et[2] — successoribus T; Biondi Annali di Perugia 1913, 31 n. 3 (estr.).

§ 10: d. vel quis — gerens T; Peters SZ 32, 208.

§ 11: 1. praetor — emit: quaedam esse T[i] susp. Pernice Labeo 2, 1, 342 sq.;

2. qui T; quem Aulus Agerius U? Lenel Ulp. 569 n. 5; SZ 20, 20; EP[2] § 60;

3. qui bona fide a) T; *α*) emit et is traditus est U; Grad. SZ 12, 137; *β*) si A[s] A[s] U; Bes. 3, 197; — b) genuinum censent Bonfante Riv. ital. 17, 162 n. 2; Lenel SZ 20, 21; EP[2] § 60; Kniep RG 259 [qui bona fide nova verba edicti perpetui esse putat]; — c) utrum T an U sit, incertum putat Erman SZ 13, 176 n. 2;

D. de Publiciana in rem actione 6, 2

4. a) inter emit — non excidisse „si non a domino emero" putat Bes. 3, 197; — b) d. igitur T; Grad. l. c.; Bes. l. c. — c) genuinum censet Bonfante l. c.;

5. inter habet — proinde excidisse „quia alias usucapere non potero" putat Bes. l. c.

§ 12: totum locum T[i] esse censet Bes. 3, 197.

§ 13: a) totum locum esse T[i] putat Schulz SZ 33, 64; — b) d. vel contra T; Bes. 3, 197.

§ 14: d. Publiciana — ideo T; Bes. 3, 197.

§ 15: totum locum T[i] esse susp. Bes. 3, 197.

§ 16: totum locum T[i] esse susp. Bes. 3, 197.

§ 17: 1. inter §§ 16—17 quaedam omissa esse censet Riccobono Bull. 8, 181 n. 3;

2. inter sciens — alienam excidisse „quis" putat Bes. 3, 198;

3. a) d. nec — esse T; Alibrandi Possesso 120 = Opere 1, 310; Riccobono Bull. 8, 181 n. 2; Pampaloni Arch. giur. 55, 506; Bes. 3, 198; — b) inter tunc — bona excidisse „cum res emeretur" putat Bonfante Riv. ital. 17, 170 n. 1.

8: coniectura capi genuinum censet Kniep RG 257; quaedam a T[o] omissa esse putat Bes. 3, 197.

9 § 4: tantum emit genuinum censet Huschke Publ. Kl. 96 n. 184; prior emit scr. Eisele sec. Krüger Dig. ad h. l.

10 lin. 37: sive T; si P; d. sive non T; Riccobono SZ 31, 358 n. 3.

11 § 1: a) totum locum T[i] esse putant Perozzi Bull. 7, 57; Riv. ital. 23, 32 sq.; Ist. 1, 482 n. 2; Ferrini Pand. 498 n. 5; Albertario Rend. Ist. Lomb. 1912, 469; — b) Publiciana datur T; Publiciana non datur U; H. Krüger Prätor. Serv. 57; — c) d. itemque — constat T; cetera genuina censet Bes. 2, 6; 3, 171;

d) urbanorum corr.; rusticorum U; rusticorum corr.; urbanorum U; Arnò Della distinzione tra servitù rustiche ed urbane (R. Università di Torino, Istituto di Esercitazioni nelle Scienze Giuridicho-politiche Memoria XI) 149.

§ 3: 1. si — ignorem a) d. T; Pernice Labeo 2, 1, 457; Riccobono Studi Moriani 1, 398; — b) genuinum censet Cuq Inst. jurid. 2, 248 n. 6;

2. quo experiar a) corr.; quo et pariat U; Cuiac. 7, 371 C; 10, 405 B; — b) d. Gl? Lenel Ulp. 574 n. 1; — c) genuinum censent Merillius apud Cuiac. 3, 944 D; Vangerow Pand.[7] 1, 668; Huschke Publ. Kl. 68; Zanzucchi Arch. giur. 72, 249 sq.

§ 4: d. generaliter; ex omnibus — habebo T; Perozzi Bull. 7, 62 sq.

D. de Publiciana in rem actione 6, 2

§ 7: non corr.; nec U; et ad partem corr.; etiam pars ea U; Huschke Publ. Kl. 40.

12 § 2: 1. a) d. et in aliis T; Faber de error. 63, 9 (134, 1); Vangerow Pand.[7] 1, 666; — b) et in aliis T; stipendiariis et tributariis P; Savigny Besitz 66 n. 1; et in provincialibus P; Huschke Publ. Kl. 26;

2. competit T? non competit P; Lenel Paul. 295; EP[2] 167 n. 4;

3. a) d. si — est T; Lenel l. c.; Eisele SZ 13, 135; — b) forte corr.; possessio P; Huschke l. c. 11 n. 12.

§ 3: a) totum locum T[i] esse putant Bes. 1, 103; Albertario Il possesso del superficiario (Pavia 1912) 41; — b) d. a non domino T; Perozzi Bull. 7, 58; Naber Mnem. 1898, 372 n. 6.

§ 6: § 6 et 7 transponendas esse putat Krüger Dig. ad h. l.

§ 7: experiretur corr.; experietur P; *Βασῆς* Adnot. 167.

13 § 2: d. lege — prohibente T; Rudorff Vorm. 2, 387; Riccobono SZ 31, 365.

17: potius corr.; potiore iure N; Huschke Publ. Kl. 17.

D. si ager vectigalis, id est emphyteuticarius, petatur 6, 3.

Rubrica: d. id — emphyteuticarius T; Wissenbach Emblem. 28; Savigny Besitz 117 n. 3; Ferrini Pand. 502 n. 7.

1: legem genuinam esse censet Mommsen Jur. Schr. 3, 150.

§ 1: competere T; dari P; P. Krüger SZ 16, 5.

2: Sabinum corr.; edictum inscr. Bluhme ZGRW 4, 427; Lenel Ulp. 582 n. 3.

3: ad tempus T; mancipes P; Mitteis z. Gesch. d. Erbpacht (Abh. d. sächs. Ges. d. Wiss. 1901 XX 17); RPR 1, 382[18]; contra Mitteis genuinum esse censet Mommsen Jur. Schr. 3, 150.

D. de usu fructu et quemadmodum quis utatur fruatur 7, 1.

1: 1. quaedam T[i] esse susp. Di Marzo Studi Fadda 1, 141 sq.;

2. salva — substantia a) d. T; Perozzi Ist. 1, 497 n. 1; Pampaloni Riv. ital. 49, 279 n. 6; — b) genuinum censet Riccobono Lez. d'ist. di dir. rom. 1907, 378.

2: totum locum T[i] esse susp. Riccobono Lez. d'ist. di dir. rom. 1907, 397, 405.

3 pr.: 1. d. Omnium T; Hasse sec. Krüger;

D. de usu fructu 7, 1

2. a) iure — constitui *α*) T; per damnationem legari potest G? Lenel Gai. 494; *β*) dubitat H. Krüger Prät. Servitut 2 n. 3; — b) d. iure legati — uti frui T; aut d. ut heres — uti frui T; Perozzi Riv. ital. 23, 34 sq.; Albertario Rend. Ist. Lomb. 1912, 466; — c) iubeatur T; Ferrini sec. Krüger.

§ 1: post rebus omissa esse „exceptis his quae usu consumuntur“ putat Pampaloni Bull. 19, 100 n. 53.

§ 2: totum locum T[i] esse censet Fadda Atti della Acad. di Napoli 34 (1902), 73 sq.

4: d. in — casibus T; Grad. Itp. 233; Pampaloni Bull. 22, 120; exstat corr.; constat P; Fuchs Krit. Studien 21; dari T? legari P? Seckel s. v. praesens 1b.

5: legitimo tempore T? Mommsen Jur. Schr. 3, 357, 358 n. 1; Seckel s. v. legitimus; anno vel biennio P? Seckel l. c.

6 pr.: quaedam esse T[i] susp. Velsen SZ 21, 108; Gaium etiam in iure cessionis et mancipationis mentionem fecisse censet Lenel Gai. 160.

§ 1: quaedam esse T[i] putat Keller Litis Contestation u. Urteil 115 (116) n. 6.

7 § 1: 1. d. quaeque — (lin. 4) aedium sunt; Arangio-Ruiz Arch. giur. 81, 427 n. 1;

2. a) d. unde — fructu (lin. 7) T; Biondi Annali di Perugia 1913, 13 n. 1; — b) d. et — fructu (lin. 7) T? Arangio-Ruiz l. c.; — c) iure dominii genuinum censet Segrè Riv. ital. 43, 357 n. 3.

9 pr.: a) d. sic — fruatur T? Bortolucci Bull. 21, 132 in n.; — b) d. sic — colere T; Eisele SZ 13, 120; — c) sic — colere genuinum censet Kalb JBer. klass. Alt. Wiss. 98, 252.

§ 5: d. ergo — piscationum T; Bremer Jur. anteh. 2, 2, 44.

§ 6: d. ita — liceat T; Riccobono Studi Brugi 178.

§ 7: 1. cf. Vat. fr. 70; quaedam omisit et mutavit T;

2. nisi forte T; item U; d. tunc — potest; et harundinetum T; et vendere licet — solebat vendere T; vendere autem non poterit, si paterfamilias vendere; d. vendere[2] (lin. 8) T; non (lin. 8) T; U. et; Riccobono Studi Brugi 178;

3. d. et harundinetum; et vendere — utendi T; Bremer Jur. anteh. 1, 393.

12 pr.: cf. Vat. fr. 71; quaedam omisit et mutavit T.

§ 1: cf. Vat. fr. 72, 2.

§ 2: a) concedere T; in iure cedere U? concedat T? in iure cedat U? Bremer Jur. anteh. 2, 2, 22; — b) vendere T; fiduciae

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causa in iure cedere U; vendit T; in iure cedit U; Pampaloni Riv. ital. 49, 288.

§ 3: cf. Vat. fr. 89; quaedam omisit et mutavit T.

§ 4: a) constitutum tempus T; annum J; d. potest Gl? d. dici Gl? Lenel Jul. 496; stipulatus est T; stipulatus est mancipiove accepit J; stipuletur T; stipuletur mancipiove accipiat J; Lenel Ulp. 2572; — b) d. primo quidem Gl; potest — colligi Gl; Marcellus autem notat U; inter ne — quidem excidisse „tunc" putat; d. quae — rationem Gl; Bes. 2, 52 sq.

§ 5: 1. (lin. 18) d. non T; d. nisi — percipiantur T; proprietario T; fructuario U; Pampaloni Bull. 22, 137—138 n. 10; d. fructuario — ablatos T; Pampaloni Stud. Senesi 10, 121; inter si — postea excidisse „fundo non utatur et" putat Pampaloni Bull. l. c.; d. istos T; d. fortassis T; Bes. 3, 85;

2. a) d. cum autem — esse dominium T? Segrè Riv. di dir. comm. 1905, 1, 409 n. 2; — b) per traditionem T; mancipio U; Grad. SZ 6, 63; Schlossmann Wiener Ztschr. 8, 443; Lenel Ulp. 2573; — c) d. sed tamen — satisfacto T; Mitteis RPR 1, 186 n. 73; — d) d. magisque — dominium T; Eisele SZ 11, 16; Segrè l. c.; Mitteis l. c.

13 pr.: 1. quaedam Ti esse putat Bortolucci Bull. 21, 136;

2. quaedam Tum delevisse putat Schulz Sabinusfragmente 41;

3. hoc T; restitutio U; Bortolucci l. c.;

4. inter probat — si excidisse „Iulianus ait" putat Schulz l. c.;

5. inter si — usus excidisse „per damnationem" putat Krüger Dig. ad h. l.

§ 3: 1. a) d. quasi — vel T; Albertario Actio communi dividundo (Pavia 1913) 18; — b) vel T; ut U; eos cavere T; caveant U; Biondi Annali di Perugia 1913, 51 n. 2 (estr.); — c) d. vel — fruantur Gl aut T; Berger Teilungsklagen 41;

2. d. cur — componere T; Bes. 2, 88; Albertario l. c.

§ 4: 1. quaedam Ti esse putat Bortolucci Bull. 21, 123 n. 33;

2. a) (lin. 10) non[1] debet T; neque U; meliorem — potest T; neque meliorem facere debet U; Riccobono Lez. d'ist. di dir. rom. 1907, 402; — b) d. meliorem — potest T; Pampaloni Riv. ital. 49, 227 n. 1.

§ 5: 1. a) lin. 15 d. et — est T; Riccobono Studi Scialoja 1, 594 n. 2; Lez. d'ist. di dir. rom. 1907, 402; — b) d. etiam T; inter instituere — posse excidisse „non"; inter

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posse — si excidisse „et" putat Pampaloni Bull. 22, 152;

2. a) d. inquirere — ergo T; Riccobono l. c.; — b) inter inquirere — poterit excidisse „non" putat Pampaloni l. c.;

3. lin. 18 d. vel T; Pampaloni l. c.

4. a) lin. 19 d. vel ipse — proprietatem T; Riccobono l. c.; — b) lin. 19 vel T; non U; inter instituere — si excidisse „et" putat Pampaloni l. c.; — c) d. et si forte — proprietatem T; Pampaloni Bull. 19, 94 n. 31; Seckel s. v. meliorare; — d) d. et si forte — poterit Gl; Noodt Opera (1735) 1, 404 sq. — e) et si forte — poterit genuinum censet Vangerow Pand. 1, 736.

§ 6: a) totum locum Ti esse susp. Bortolucci Bull. 21, 123 n. 33; — b) Si — proprietarius T; Riccobono Studi Scialoja 1, 594 n. 2; Lez. d'ist. di dir. rom. 1907, 403.

§ 7: a) lin. 26 et[1] T; neque U; Riccobono Studi Scialoja 1, 594 n. 2; Lez. d'ist. di dir. rom. 1907, 404; — b) genuinum censet Pampaloni Riv. ital. 49, 228 n. 4.

§ 8: 1. quaedam Ti esse censet Bortolucci Bull. 21, 131;

2. lavet corr.; lavetur? lavent? U; *Βασῆς* Adnot. 167.

15 pr.: Sed T; (Sabinus) ait U; Schulz Sabinusfragmente 42; d. neque[1] T; d. neque[2] T; Pampaloni Riv. ital. 49, 239.

§ 1: d. proprietate T; Krüger Dig. ad h. l.

§ 3: a) in — mobilibus T; Bremer Jur. anteh. 2, 1, 228; — b) d. mobilibus T; Krüger Dig. ad h. l.

§ 4: d. non — legetur T; Pampaloni Bull. 19, 99.

§ 7: 1. quaedam esse Ti susp. Riccobono Lez. d'ist. di dir. rom. 1907, 387 n. 1;

2. lin. 28 d. ne quidem T; Pampaloni Bull. 22, 131 sq.

17 pr.: 1. a) d. et hoc — religionis T? Seckel s. v. favere; — b) et hoc — religionis post sepeliretur transponendum censet Pampaloni Bull. 22, 132;

2. a) d. finge — sepeliretur T; Seckel s. v. fingere 3 (iam dubitat); — b) tam opportune ubi corr.; ubi tam opportune U; Krüger Dig. ad h. l.

§ 1: d. si — faciat T; Pernice Labeo 2, 1, 60, 65 n. 2, 4 c.

§ 2: d. si hoc — faciat T; d. non magis — contingit T; Pampaloni Bull. 22, 153 n. 8.

§ 3: numquam dubitavi T; Baviera Scritti giuridici 1, 174 n. 1.

19 § 1: suis — experiundum T; Albertario Riv. ital. 52, 36.

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21: cf. Vat. fr. 71b; quaedam mutavit et omisit T.

22: 1. quaedam T[i] esse susp. Bes. 3, 132; 2. d. quid fieri oporteat T? d. in — istis T; Lenel Ulp. 2587; d. relictum vel; vel reliquit T; Lenel l. c.; Grad. Bull. 2, 6.

23: cf. Vat. fr. 72, 1.

25 § 1: 1. per traditionem T; mancipio U; Grad. SZ 6, 63; Eisele SZ 26, 68 n. 2; 2. sed tantummodo — satis T; Mitteis RPR 1, 186 n. 73; 3. d. sed Iuliani — est T; H. Krüger SZ 19, 30; 4. a) lin. 18 simul corr.; solidum U; Eisele SZ 26, 69 n. 2; Seckel s. v. simul; — b) d. quid tamen — nummos accipientis T; Mancaleoni Riv. ital. 24, 204 sq.; — c) lin. 20 nam — pertinent: quaedam T[i] esse susp. Pernice Labeo 3, 1, 205 n. 1; — d) d. quia — accipientis T; Eisele SZ 11, 16; nunc genuinum censet SZ 26, 66 sq.

§ 2: 1. quaedam T[i] esse susp. Buckland Slavery 367; 2. inter stipulatio — ad excidisse „proprietario. Neque“ putat; quamvis T; quia U; inter restitutus — ambulabit excidisse „non“ putat; profectaque T; neque profecta U; Pampaloni Bull. 22, 142.

§ 7: a) d. legati — videndum T; Perozzi Riv. ital. 23, 7 sq. et 32; Albertario Rend. Ist. Lomb. 1912, 469; — b) d. legati T? Lenel Ulp. 2587; Bremer Jur. anteh. 2, 2, 204; — c) per traditionem — modum T; Cuq Inst. jurid. 2, 827 n. 5; — d) traditionem vel stipulationem T; mancipationem vel in iure cessionem U; H. Krüger Prät. Servit. 3; — e) traditionem vel stipulationem T? de exceptione in mancipando facta et in iure cessione U[um] egisse susp. Rabel Haftung d. Verk. 1, 63 n. 2; — f) stipulationem T; in iure cessionem U; Hasse Güterrecht 1, 445 n. 456; Francke Civ. Abh. 141; — g) stipulationem genuinum esse censet Vangerow Pand. 1, 752, 757.

27 pr.: stantes corr.; exstantes U; *Βασῆς* Adnot. 168.

§ 4: unde — dicendum T; U[um] de servitutibus iure civili aut tuitione praetoris constitutis egisse susp. Perozzi Riv. ital. 23, 11.

§ 5: alioquin — fruitur T? Bortolucci Bull. 21, 132 n.

30: habeat corr.; habebat P; aliarum corr.; alterarum P; obscurare corr.; officere P; Bes. 2, 6; d. quod usque — habeant T; Pernice Labeo 2, 1, 58 sq., 65 n. 2; Riccobono Riv. ital. 21, 395 sq.; Riv. di dir. civ. 3, 53; Arch. giur. 76, 464.

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32: d. unas T; d. quas — habet T; Pampaloni Bull. 22, 126; tradit T; mancipio dat P; Lenel Pomp. 775; Pampaloni l. c.; personae non T; partem P; Pampaloni l. c.

33 § 1: d. Usum — unde T; Pampaloni Bull. 22, 128.

34 § 1: quaedam T[i] esse susp. Arangio-Ruiz Arch. giur. 82, 417 n. 1.

§ 2: d. quoniam — est T? Perozzi Ist. 1, 506 n. 4; Pampaloni Riv. ital. 49, 283.

36 § 1: 1. quaedam esse T[i] susp. De Medio Arch. giur. 68, 223; 2. referre — heres decessit T; Albertario Contr. alla cr. del D. (Pavia 1911) 15.

38: vendidero T; fiduciae causa cessero M; emtor T; qui fiduciae accepit M; Pampaloni Riv. ital. 49, 288.

39: pretio fruitur T; fiduciae causa cesserit G; principali T; fiduciae causa G; Pampaloni Riv. ital. 49, 288.

42 pr.: eiusdem rei T; sine usu F; Pampaloni Riv. ital. 49, 256.

§ 1: Rerum an aestimationis T; Si rerum F; d. interest — legetur T; d. sin — legatum est (lin. 8) T; d. re — possumus T; Di Marzo Bull. 17, 103 sq.

46 pr.: d. plena T; Pampaloni Bull. 22, 133 n. 10; d. pietatis respectu T; H. Krüger SZ 19, 51; Pampaloni l. c.

47: heres[2] T; heredem P; habebit T; habere P; Bremer Jur. anteh. 2, 2, 228.

48 pr.: d. sed si — liberatur Gl; Bes. 3, 143.

§ 1: d. sicut — est T; Bremer Jur. anteh. 2, 2, 227.

49: partem corr.; parte P; *Βασῆς* Adnot. 168.

52: d. nisi — dari T; Faber Ration. ad h. l. (2, 2, 63); Eisele SZ 10, 302.

54: tradidisti T; mancipasti J; Grad. SZ 6, 65; Lenel Javol. 85; legatus T; per vindicationem legatus J; Lenel l. c.; d. quae — solent Gl; Lenel l. c.; Bremer Jur. anteh. 2, 2, 470.

56: 1. septimo decimo Flor.; septimo Bluhme ZGRW 4, 435; 2. actio T; interdictum G; actionem T; interdictum G; H. Krüger Prät. Servitut 77 (cf. n. 87); 3. a) d. sed — hominis est T; Di Marzo Bull. 14, 125; — b) d. et — hominis est T; H. Krüger l. c.

57 pr.: quod — serviebat a) d. T; Longo Bull. 11, 311; — b) T; cuius ob debitum ab eo usum fructum fiduciae causa acceperat P; Pampaloni Riv. ital. 49, 290.

58 pr.: d. qui — nascuntur T; Eisele SZ 13, 136.

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§ 2: a) d. nisi — adprobetur T; Eisele SZ 10, 302; cf. SZ 7, 27; Grad. SZ 7, 79; Lenel Scaev. 261; — b) genuinum censent Schirmer SZ 8, 161; Samter SZ 27, 180.

59 § 1: d. si — sint T; Eisele SZ 13, 120; Seckel-Kübler Paul. Sent. 3, 6, 27b; d. nisi — exceptae T? Seckel-Kübler l. c.

60 pr.: Cujuscumque T; provincialis P; H. Krüger Prät. Servitut 78; d. aut deiectus T; Albertario Rend. Ist. Lomb. 1912, 492; post agit quaedam excidisse putant Seckel-Kübler Paul. Sent. 5, 6, 8a; utilis actio T; P^um^ egisse de iudicio arbitrario, secutorio, fructuario susp. Seckel-Kübler l. c.; utile interdictum P; H. Krüger l. c. 79.

§ 1: 1. a) quaedam T^i^ esse susp. Bes. 1, 57; Seckel-Kübler Paul. Sent. 5, 6, 8b; — b) genuinum esse censent Rudorff ZRG 6, 443 n. 20; Lenel EP² 458 n. 9;

2. actio T; interdictum P; H. Krüger Prät. Servitut 79;

3. a) caveri de corr.; caveri debet de P; *Βασῆς* Adnot. 168; — b) caveri corr.; cavere debet qui agit P; Seckel-Kübler l. c.;

4. ipse — permittitur T? interdictum „quem usumfructum" P^um^ commemorasse susp. Seckel-Kübler l. c.

61: nisi — liceat T; Bremer Jur. anteh. 2, 2, 301; Riccobono Studi Scialoja 1, 594 n. 2; Lez. d'ist. di dir. rom. 1907, 401 n. 2, 404.

62 pr.: aut fructus iure aut gentium corr.; fructuarius iure gentium Tr.; Scialoja Dig. Milan. ad h. l.

63: inter est — transferemus excidisse „non" putat; quamquam T; si P; d. tamen T; inter cedere — potest excidisse „non" putat Pampaloni Bull. 22, 124.

64: d. in — incumbit T; Grad. Itp. 232; Lenel Ulp. 1250.

65 pr.: d. debet — facere T; Schulz Wiener Ztschr. 38, 41.

68 § 2: d. id — defunctorum T; Eisele SZ 11, 4.

70 pr.: d. nec suppleat T; Lenel Ulp. 2574; Krüger Dig. ad h. l.

§ 2: d. Secundum — summittere T; Bes. 2, 117.

§ 3: d. id — universitatis T (aut Gl); Eisele SZ 11, 4.

§ 5: glossema inesse susp. Scialoja Dig. Milan. ad h. l.

D. de usu fructu adcrescendo 7, 2.

1: cf. Vat. fr. 75—78; quaedam omisit et mutavit T.

D. de usu fructu adcrescendo 7, 2

3: cf. Vat. fr. 79, 80, 83; quaedam mutavit et omisit T.

5: tradideris T; mancipaveris G; Lenel Gai. 162.

6 § 2: legatus T; per vindicationem legatus U (cfr. Vat. fr. 77, 83 pr.); Segrè Filangieri 13, 1, 358/89.

8: cf. Vat. fr. 86—88; quaedam omisit et mutavit T; quaedam esse T^i^ susp. Huschke JA 740 n. 5, 745 n. 3.

11: fructus legatur T? fructus per vindicationem legatur P?; Segrè Studi Scialoja 1, 259.

D. quando dies usus fructus legati cedat 7, 3.

1 pr.: cf. Vat. fr. 59; d. in menses vel; vel in annos; vel menses vel annos; vel — singulos T; Lenel Ulp. 2548; Grad. Bull. 2, 7; simul corr.; semel U; *Βασῆς* Adnot. 168.

§ 2: cf. Vat. fr. 60.

§ 4: 1. quaedam esse T^i^ susp. Dernburg Kompensation (ed. 1) 336; Biondi Sulla dottrina romana dell' actio arbitraria (Palermo 1911) 28 n. 1;

2. male agit T? causa cadit U? aut „rem perdit" U? Seckel s. v. exceptio 182a.

D. quibus modis usus fructus vel usus amittitur 7, 4.

1 pr.: 1. quaedam esse T^i^ susp. Vangerow Pand. 1, 756;

2. a) d. item — constitutus T; Pampaloni Bull. 22, 150 n. 1; — b) d. vel superficie T; Bes. 1, 103; 3, 170.

§ 2: d. forte T; inter diem — cedentem excidisse „ususfructus" putat; d. quod — poterit T; Bes. 3, 41.

3 § 2: a) d. neque — nihil adcrescere T; Arnò Arch. giur. 55, 288 sq.; — b) placet — nobis T; Pampaloni Arch. giur. 55, 517.

4: id — fructus T; Bes. 3, 98.

5 pr.: a) d. nisi — legaverit T; Riccobono Lez. d'ist. di dir. rom. 1907, 406 n. 2; Krüger Dig. ad h. l.; — b) genuinum censet Pfersche Wiener Ztschr. 8, 155.

§ 3: 1. U^um^ distinxisse legatum quod per damnationem fit a legato per vindicationem susp. Wlassak SZ 31, 227, 228;

2. ex — dolo: quaedam esse T^i^ susp. Pernice Labeo 2, 1, 222 n. 2.

7: tempore — transacto T? Lenel Jul. 511.

10 pr.: et — extinguatur T; Riccobono Lez. d'ist. di dir. rom. 1907, 385 n. 1, 404.

§ 4: non tamen T; item U; Riccobono Lez. d'ist. di dir. rom. 1907, 386 n. 1, 404.

13: adempta corr.; dempta P; Hoffmann Meletematum academicorum ad pandectas semestria duo, diss. VIII § 4; d. aliter; fructuarii — sint T; Pampaloni Bull. 22, 140.

17: d. pleno iure; neque interest quod T; proprietas legata sit T; neque J; Pampaloni Bull. 22, 134.

20: d. quia — (lin. 40) habere Gl; Eisele SZ 30, 110.

22: sexto corr.; quinto inscr. Di Marzo Saggi critici sui libri di Pomponio ad Quintum Mucium 51; constituto — usum T; biennio P; Lenel Pomp. 249; Krüger Dig. ad h. l.

23: d. ac — fructum[1] T? Di Marzo Saggi critici sui libri di Pomponio ad Quintum Mucium 101; restituendum corr.; restitui P; Krüger Dig. ad h. l.

24 pr.: quia — mansisset T; Pernice apud Bremer Jur. anteh. 2, 1, 198; 2, 2, 420.

27: d. confusa — comparatione T; Longo Bull. 11, 321; Pampaloni Bull. 22, 129.

29 pr.: d. teneri — esse T; Perozzi Ist. 2, 233 n. 3.

§ 1: emptum T; fiduciae acceptum U; vendidisset T; fiduciae causa cessisset U; inter puto — amitti excidisse „non“ putat; lin. 42: d. et[2]; non T; empto T; fiduciae cesso U; fundi emptor T; qui fundum fiduciae a domino accepit U; Pampaloni Riv. ital. 49, 289.

§ 2: utilem actionem T? interdictum M? H. Krüger Prät. Servitut 52.

D. de usu fructu earum rerum, quae usu consumuntur vel minuuntur 7, 5.

Rubrica: d. vel minuuntur T; Pampaloni Bull. 19, 97.

1: omnium — quas T; pecuniae quam U; d. vel minuuntur T; Pampaloni Bull. 19, 98.

2 § 1: a) sed — haberi T? Segrè Bull. 19, 197 n. 3; — b) remedio introducto T; Bes. 2, 121.

5 pr.: d. vel — habuit T; fuerint alienae T; aliarum rerum, quae in abusu consistunt U; Pampaloni Bull. 19, 98 et n. 51.

§ 1: d. vel aliarum — consistunt T; Grad. Itp. 27; Lenel Ulp. 2591; Pernice Labeo 2, 2, 1, 104 n. 3; Bremer Jur. anteh. 2, 1, 451; Pampaloni Bull. 19, 98 n. 51; d. nec — interveniat T; Grad. l. c.; d. vel ceterae — sunt T; Grad. l. c.; Bremer l. c.; Lenel l. c.; Pampaloni l. c.; possint T; possit U; Lenel l. c.; Bremer l. c.; sed si quidem — quantitatem: a) d. T; Grad. l. c.; Lenel l. c.; v. Mayr C. 156; Pernice Labeo 3, 203 n. 5; Pflüger

SZ 18, 77; — b) genuinum censet Koschembahr C. 2, 266; — c) d. incerti condictione T; Trampedach SZ 17, 141 sq., 145; v. Mayr SZ 25, 197, 220; cetera genuina censet Trampedach l. c. (cf. etiam l. c. 142 n. 2, 147); lin. 31 d. condici T; Grad. l. c.

§ 2: d. vel — abusu T; Grad. Bull. 2, 5; Lenel Ulp. 2592; Pampaloni Bull. 19, 98 n. 51.

6 pr.: d. quinque T; nam et T; quod J; Pampaloni Bull. 22, 118.

7: d. aut aestimatis — commodius est T; Di Marzo Studi Fadda 1, 146 n. 1; Pampaloni Bull. 19, 102 sq.; usu T; abusu G; Haloander; Pampaloni l. c.

8: quaedam esse T[i] susp. Trampedach SZ 17, 149; d. illud — promittere T; Pampaloni Arch. giur. 55, 511.

11: a) d. sed — loquitur T; Bes. 2, 95; — b) eorum T; earum rerum quae usu consumuntur U; Pampaloni Bull. 19, 100 n. 53.

D. si usus fructus petetur vel ad alium pertinere negetur 7, 6.

Rubrica: utrum edictalis sit nec ne quaerit Segrè Mél. Girard 2, 522 n. 2.

1 pr.: 1. octavo corr.; septimo Lenel Ulp. 2594;
2. servitus T? via U? servitutem T? viam U? Segrè Mél. Girard 2, 588 n. 1;
3. d. quidem T? Arangio-Ruiz Arch. giur. 82, 438 sq. (cf. Scritti Fedele 151 n. 1); Pampaloni Bull. 22, 144;
4. d. non T; Pampaloni l. c.;
5. a) d. verum — frui T? Arangio-Ruiz l. c.; — b) d. verum — vindicaturum; quasi — frui T; Pampaloni l. c.; — c) d. ac — frui T? Bremer Jur. anteh. 2, 1, 226; Segrè l. c.

3: traditum T; Albertario Rend. Ist. Lomb. 1912, 472; fideicommissi T? legati J? Bes. 2, 6; d. legitime T; Perozzi Riv. ital. 23, 36; Albertario l. c.; legitime T; ex iure Quiritium J? Bes. l. c.; actionem — eum: a) T; interdictum uti possidetis utile J; H. Krüger Prät. Servit. 51; — b) genuinum censet Bes. l. c.; d. est enim — sint T; Bes. l. c.; Albertario l. c.

5 pr.: 1. uti frui corr.; utendi fruendi U; Bes. 1, 78;
2. lin. 31 d. non T; Pampaloni Bull. 22, 123;
3. d. separatum non T; Pampaloni l. c.;
4. d. nec — servire T; Longo Bull. 11, 313; Bes. l. c.;
5. a) d. de suo enim — habeant Gl; Bes. l. c.; — b) nec — oportet T; inter negativa — domino excidisse „vel prohi-

D. si usus fructus petetur 7, 6

bitoria" susp.; lin. 34 suo T; alieno U; alieno T; suo U; Pampaloni l. c.; — c) de suo enim — oportet T aut Gl? fructuario — prohibendi T? quod si — habeant T? Segrè Mél. Girard 2, 522 n. 2.

§ 1: a) d. nam — dominum T? Arangio-Ruiz Arch. giur. 82, 438 sq. (cf. Scritti Fedele 151 n. 1); — b) lin. 41: d. non; sed usum fructum T; Pampaloni Bull. 22, 145.

§ 2: d. lin. 42: sive — neget T; Pampaloni Bull. 22, 145; Segrè Mél. Girard 2, 578 n. 1; 585 n. 3.

§ 3: In — actionibus T? In — actione U?; d. quae — aguntur T? Segrè Mél. Girard 2, 578 n. 1.

§ 5: d. quid — cautum T; Bes. 3, 98.

§ 6: d. confessoriam T; Pampaloni Bull. 22, 109 n. 3; Segrè Mél. Girard 2, 577, 580 n. 2; d. sed — inquietetur T; Arangio-Ruiz Scritti Fedele 152 sq.; Segrè l. c. cf. Grad. Itp. 97.

D. de usu et habitatione 7, 8.

2 § 1: libro posteriorum: numerum excidisse vidit Scialoja Dig. Milan. ad h. l.

4 pr.: a) d. secundum — sit T; Riccobono Studi Scialoja 1, 584; Pampaloni Riv. ital. 49, 247 n. 1; — b) d. secundum — invidendum T; Bremer Jur. anteh. 2, 2, 146.

§ 1: cum uti corr.; dum uti U? *Βασῆς* Adnot. 168.

8 pr.: d. seorsum; sine se T; Riccobono Studi Scialoja 1, 584; Pampaloni Riv. ital. 49, 247 n. 1.

§ 1: Sed T; (Sabinus) ait sed U; Schulz Sabinusfragmente 40.

10 pr.: 1. octavo corr.; septimo inscr. Lenel Ulp. 2576;

2. quaedam T^{i} esse susp. Riccobono Studi Scialoja 1, 589 n. 2; Di Marzo Le L decisiones di Giustiniano 36;

3. d. paene T; Wissenbach Emblem. 30; Perozzi Ist. 1, 504 n. 1;

4. donare genuinum censet; inter usuarius — ad excidisse „q(uod) ad ius" Huschke Arch. civ. Pr. 65, 462—467;

5. tamen transponendum censent inter nec — non Noodt Opera (1735) 1, 63; Huschke l. c.;

6. d. ad — deminutione T; Perozzi l. c.

§ 2: Priscus corr.; Proculus U; Riccobono Mél. Fitting 2, 476 cum Mommsenio.

§ 4: ceterum — est T; Bremer Jur. anteh. 2, 1, 228.

12 § 1: 1. d. et aqua Gl? Pampaloni Riv. ital. 49, 260 sq.;

D. de usu et habitatione 7, 8

2. post stramentis T^{um} omisisse „et sarmentis" (sic Mommsen ad *BΣ*) putat Riccobono Mél. Fitting 2, 483;

3. a) lin. 29: d. sed — negavit T; Riccobono Studi Scialoja 1, 590; — b) d. Sabinus — Labeo et T; Pampaloni l. c.;

4. d. aliquo — lin. 3 usus T; Riccobono l. c.; Riv. di dir. civ. 3, 49;

5. sed (lin. 3) — villa T^{um} loco movisse putat Riccobono l. c.;

6. sed melius — fundo: a) d. T; Riccobono l. c.; — b) T; quod non est accipiendum U; Pampaloni l. c.

§ 2: a) d. hoc — defunctorum T; Riccobono Studi Scialoja 1, 596; Riv. di dir. civ. 3, 49; Mél. Fitting 2, 488; — b) modico — defunctorum T; ex his sumpturum quod ad victum sibi suisque sufficiat U; Pampaloni Riv. ital. 49, 258 n. 3.

§ 4: d. sed — sensisse T; Riccobono Studi Scialoja 1, 599; Pampaloni Riv. ital. 49, 248 n. 4.

13: Sed T; Nec G; Pampaloni Riv. ital. 49, 247.

14 pr.: per traditionem T (lin. 31 et 33); mancipio U; Grad. SZ 6, 59; Lenel Ulp. 2580; Schlossmann Wiener Ztschr. 8, 443 n. 11.

§ 1: d. nam fructui — deest T; inutile T; fructum sine usu U; lin. 2 d. usu T; Pampaloni Riv. ital. 49, 269 sq.; lin. 2 fructus genuinum censet; lin. 3: fructus — usum corr.; de fructu sine usu adimendo sensit, quare non dicamus usum U; Vangerow Pand. 1, 746, 747; nullam T; usus U; d. quae — est T; Pampaloni l. c.

§ 3: d. sine usu Gl? *Βασῆς* Adnot. 168.

17: quaedam esse T^{i} susp. De Medio Arch. giur. 68, 224.

18: 1. a) d. videamus — debeat T; Eisele SZ 13, 122; Pampaloni Riv. ital. 49, 223 sq.; — b) genuinum censet Riccobono Bull. 7, 228 (at hodie censet T^{um} textum brevius rettulisse); — c) inter usuarii — videamus excidisse „Paulus:" putat Ferrini;

2. d. quae — habet T? Krüger Dig. ad h. l.

20: d. per traditionem T; mancipio M; Grad. SZ 6, 64.

22 pr.: d. et vendere T; Riccobono Studi Scialoja 1, 594 n. 2.

§ 2: totum locum Gl esse putat Bes. 1, 79.

D. usufructuarius quemadmodum caveat 7, 9.

1: quaedam esse T^{i} susp. Bortolucci Bull. 21, 129 n. 40.

3 § 2: 1. utiliter T; aliter U; d. ista T; Bes. 3, 8;

D. usufructuarius quemadmodum caveat 7, 9

2. exceptione opus erit corr.; — a) exceptione tutus eris U; Mommsen Dig. ed. maior ad h. l.; — b) exceptioni locus erit U; Mommsen Dig. ed. stereotyp. 1902; *Βασῆς* Adnot. 169; — c) exceptione opposita usufructuarius tutus erit Bes. l. c.

4: inter fuerit — desinit excidisse „non" putat; d. quidem; propter confusionem T; Pampaloni Bull. 22, 129.

5 § 1: d. Sed T; Krüger Dig. ad h. l.; d. hoc — caveatur Gl? Lenel Ulp. 1723; Bes. 3, 8.

§ 3: a) totum locum T^i esse susp. Perozzi Ist. 1, 505 n. 1; — b) d. licet — imitantur T; Berger Z. f. vgl. RW 29, 335.

7 pr.: 1. initio ins.: 'fundi ususfructus per damnationem legatus est.'; re tradita T; fundo tradito U; rem vindicare T; negatoria formula agere U; re T; fundo U; tradita T; tradito U; Bes. 1, 24;

2. a) d. quae — poterit T; v. Mayr C. 165, 166; Krüger Dig. ad h. l.; Festg. f. Bekker 17; — b) d. sed — poterit T; Pernice Labeo 3, 1, 203 n. 5; Pflüger SZ 18, 84; Ferrini Pand. 480 n. 2; — c) genuinum esse censet Trampedach SZ 17, 145 sq.; Koschembahr C. 2, 266.

8: a) Marcianus corr.; Maecianus scr.? Fitting Alter 82; Lenel Paul. 815; — b) genuinum esse censet Mommsen Jur. Schr. 2, 171.

9 pr.: d. hoc — legatarium T aut Gl; Eisele SZ 11, 5.

10: quadragesimo; quadragesimo septimo inscr.; Lenel Paul. 614; EP ² 355 n. 9; possit corr.; possis P; Berger Teilungsklagen 92 n. 3.

12: 1. quaedam T^i esse susp. Bortolucci Bull. 21, 135;

2. d. si igitur — ergo T; inter cum — non excidisse „enim" putat Bes. 3, 144.

D. de servitutibus 8, 1.

1: a) Servitutes T; Iura M; Longo Bull. 11, 335; cf. Ferrini Pand. 473 n. 1; — b) totum locum ante Tribonianum interpolatum esse putat Peters Leipz. Sitz.-Ber. 65 I 95 n. 233.

4 pr.: 1. d. ipso — iure T; Di Marzo Arch. giur. 70, 530;

2. a) d. sed — vindicanti T; Ferrini Pand. 486 n. 1; Di Marzo l. c.; — b) d. pacti vel T; Perozzi Ist. 2, 297 n. 2.

§ 1: veluti² (lin. 15) corr.; vel P; Krüger Dig. ad h. l.

5 pr.: isdem — constituitur T; „per mancipationem constituitur, ceterum isdem fere modis" similiave G; Lenel Gai. 176.

D. de servitutibus 8, 1

9: cedatur T; in iure cedatur C; Lenel Cels. 31; civiliter modo — detrimento T; Albertario Filangieri 37, 519.

13: aut — adquisitus T; adquisita P; d. sed — adquisitus T; Arangio-Ruiz Stud. Brugi 258.

14 pr.: d. vel — videatur Gl; Perozzi Riv. ital. 23, 171.

§ 2: d. cum — potest T; Bes. 2, 86.

15 pr.: servitutes T; iura P; Longo Bull. 11, 330.

16: quaedam T^i esse susp. Arangio-Ruiz Arch. giur. 81, 429 n. 2.

19: dedere ducere corr.; deducere L? debere corr.; deductione L? Lenel Javol. 197.

20: a) inter esset — ego excidisse „quod" putat; d. usum — accipiendum T; Albertario Rend. Ist. Lomb. 1912, 468; — b) genuinum esse censet Peters SZ 33, 597; — c) d. ideoque = sunt T; Perozzi Riv. ital. 23, 43.

D. de servitutibus praediorum urbanorum 8, 2.

5: non enim — referuntur T; Vassalli misc. crit. II 22.

6: per — tempus (lin. 5) T; per (lin. 9) — tempus T; Krüger Dig. ad h. l.

8: ius — dominus est T; ius est G; Bonfante Rend. Ist. Lomb. 46 S. II (1913) 689.

10: d. sed — moderatione T; Perozzi Arch. giur. 53, 373 sq.; Pernice Labeo 2, 1, 58 sq., 65 n. 214 a; Riccobono Riv. ital. 21, 393; Riv. dir. civ. 3, 53; Arch. giur. 76, 464.

11 pr.: totum locum esse T^i censet Riccobono Arch. giur. 76, 463; Riv. ital. 21, 396; Riv. dir. civ. 3, 53.

13 pr.: inter pro — ea excidisse putat „eius peritia de"; d. quod — extruendo Gl; Bes. 1, 55.

14: d. intermisso — insula T; Riccobono Riv. dir. civ. 3, 51 n. 2; Bonfante Ist. 280 n. 1.

17 pr.: cui sol; Mommsen coniecturam Bonon.; lectionem genuinam ex Epitom. Pand. haustam censet Kantorowicz SZ 30, 229 n. 10.

§ 3: traditionis T: mancipii U; Lenel Ulp. 2724; d. hoc — debere T (aut Gl); Eisele SZ 11, 17.

§ 4: d. si — est T; Eisele SZ 10, 302.

18: competit T? Krüger SZ 16, 5.

20 § 5: d. id — flumen T; Eisele SZ 11, 5; d. nisi — fuerit T; Eisele SZ 10, 303.

23 pr.: 1. d. quodsi — contigerit T? Faber Ration. ad h. l. (2, 2, 206);

2. et — contigerit: a) quaedam esse T^i susp. Kalb Jagd 24 (34); — b) d. T; Riccobono Bull. 8, 261 n. 3; ?H. Krüger SZ 19, 36.

25 § 1: nulli corr.; nullis P; Kübler sec. Krüger Dig. ad h. l.

26: a) d. sed — tolli T; Pernice SZ 19, 173 n. 3; Bonfante Rend. Ist. Lomb. 46 S. II (1913) 680; — b) d. aut — tolli T; Segrè Riv. ital. 8, 150 n. 193; 186; — c) d. si — tolli T; Lenel Paul. 1880; Riccobono Bull. 6, 164; Riv. dir. civ. 3, 52; Perozzi Ist. 1, 475 n. 2; contra Audibert NRH 28, 285 sq.

27 pr.: a) d. aut — perdere Gl; Scialoja et Riccobono Dig. Milan. ad h. l. — b) perdere corr.; repellere P; Fuchs Krit. Studien 33.

§ 1: in — communi T; sive dominii sive servitutis iure in re communi P; Bonfante Rend. Ist. Lomb. 46 S. II (1913) 690.

28: d. omnes — potest Gl; Perozzi Riv. ital. 14, 187 sq.; Ist. 1, 488 n. 3.

30 pr.: traditas sibi T; mancipio P; Lenel Paul. 1882; veniunt corr.; venibunt P; *Βασῆς* Adnot. 169.

§ 1: tradidero T; mancipavero P; Lenel Paul. 1882.

32 pr.: per — tempus T; Krüger Dig. ad h. l.

§ 1: statutum tempus T; biennium J; Pernice Labeo 2, 1, 336; cf. Krüger Dig. ad h. l.; statuto tempore T; Krüger l. c.

33: d. ut (lin. 27) — sustineret Gl; Lenel Alfen. 68.

34: tradendo T; mancipando J; Lenel Jul. 851; cf. Krüger Dig. ad h. l.

35: 1. traditione T; mancipio M; Lenel Marcian. 238; Pernice Labeo 3, 1, 102;

2. a) d. vel[1] T? d. vel[2] — condicere T? Segrè Stud. Scialoja 1, 272 n. 1; — b) vel[1] — condicere T; ex vendito agere non potest M; Perozzi Ist. 2, 288 n. 2; — c) d. incertum T; Naber Mnem. 1892, 196; Trampedach SZ 17, 143, 150; v. Mayr C. 222; SZ 25, 218 n. 6; cf. Pflüger SZ 18, 85; contra Kniep Besitz 396, 401.

37: cesserit T; „mancipaverit" aut „in iure cesserit" J? Lenel Jul. 104.

41: d. quidem; sed — legatario T; Riccobono Riv. ital. 21, 400.

D. de servitutibus praediorum rusticorum 8, 3.

1 pr.: 1. Servitutes T; iura U; Longo Bull. 11, 287 n. 1; d. ambulandi — iumentum agendi T; Landucci Atti R. Ist. Ven. 1906, 1310; Arangio-Ruiz Studi Brugi 259;

2. a) d. itaque — iumento T; Arangio-Ruiz l. c.; — b) d. etiam sine iumento Gl; Faber Coniect. 1, 20 (27, 1); contra Glück ital. 8, 271;

3. d. et ambulandi T; Landucci l. c.; Arangio-Ruiz l. c.; cf. Lenel EP 187 n. 2.

§ 1: In rusticis T? In rusticorum praediorum servitutibus U? computanda sunt J? quidam (aut nomina illorum qui sic opinabantur) computari recte putant U cf. J. 2, 3, 2; Segrè Foro ital. 18, 1, 1007.

§ 2: totum locum esse T[i] putat Perozzi Riv. ital. 23, 33.

2 pr.: Rusticorum T; Urbanorum N; Perozzi Ist. 1, 482 n. 2.

4: servitutes T; ius P; Longo Bull. 11, 325; d. eadem T; Bes. 3, 8.

5 § 1: inter existimasse — ait excidisse „Plautius" putat Bremer Jur. antch. 2, 2, 219 cf. 234.

6 § 1: d. longe — fructu; quid — faciant T; Bes. 3, 144.

7 pr.: habent (bis) corr.; habet P; Scialoja Dig. Milan. ad h. l.

9: d. hodie — solet T; Perozzi Riv. ital. 14, 250 sq.; Ferrini Pand. 486 n. 3; Riccobono Fontes iuris rom. anteiust. 1, 225 n. 2; Albertario „Hodie", Pavia 1911; Bes. 2, 99; ?Seckel-Kübler Paul. Sent. 1, 17, 3.

11: 1. inter separatim — cedi T[um] delevisse „in iure" putant Pernice Labeo 2, 1, 83 n. 3; Jörs Real-Enc. 5, 533;

2. a) ergo — ratione T; sed C; Eisele SZ 30, 136; — b) d. suptili ratione T? Seckel s. v. subtilis 2 b;

3. cedant T; in iure cedant C; cessione T; in iure cessione C; Jörs l. c.;

4. benignius — posse: a) d. T; Ferrini Dir. pen. 179; Pand. 448 n. 4; ?Seckel l. c.; — b) T; praetor tamen et antequam novissimus cesserit, eos, qui antea cesserunt, vetare uti cesso iure prohibet C? Eisele l. c.

13 pr.: d. sed — necessaria T; Pernice SZ 9, 197 n. 2; H. Krüger exc. doli 1, 184; Kohler Rhein. Z. 3, 424.

14: vendere — alias T; mancipare vel in iure P? Lenel Pomp. 310.

15: primo corr.; secundo inscr. Lenel Pomp. 311; d. suam; Krüger Dig. ad h. l.

18: quarto corr.; a) nono inscr. Lenel Ulp. 2530; — b) septimo aut octavo inscr. Krüger Dig. ad h. l.

19: ne corr.; nec P; fiat corr.; fit (fiet) P; Fuchs Krit. Studien 22.

20 pr.: concesseris T; in iure cesseris P; Jörs Real-Enc. 5, 533; Krüger Dig. ad h. l.; concessero (bis) T; in iure cessero P; concessio T; in iure cessio P; Jörs l. c.

21: concesseris T; in iure cesseris P; Jörs Real-Enc. 5, 533; inter ducerem — totus excidisse „non" putat *Βασῆς* Adnot. 169.

D. de servitutibus praediorum rusticorum 8, 3

23 § 3: aut — transeant: a) T? Lenel Paul. 1885; — b) T? Gl? Perozzi Ist. 1, 486 n. 1.

24: ne corr.; nec P; uti corr.; duci P; Fuchs Krit. Studien 22.

32: tradidisti T; mancipio dedisti A; Lenel Afric. 64; H. Krüger Prät. Servit. 10; Krüger Dig. ad h. l.

33 pr.: tradidimus T; mancipio dedimus A; tradendo T; mancipio A; Lenel Afric. 112; H. Krüger Prät. Servit. 9; cf. Pernice Labeo 1, 478; 3, 1, 103 n. 3; Cuq Inst. jurid. 2, 288 n. 6; Krüger Dig. ad h. l.; d. maxime — sit T; Lenel l. c.; H. Krüger l. c.; Pernice l. c.; Rabel Haftung d. Verk. 1, 63 n. 2.

§ 1: 1. quaedam esse T^i susp. Ferrini Pand. 492 n. 5;

2. a) d. quoquo — servitute T? H. Krüger Prät. Servit. 11; — b) quoquo modo T; Seckel s. v. quisquis; — c) quoquo T; civili A; Lenel Afric. 112; — d) quoquo modo genuinum esse censet Perozzi Bull. 6, 19 sq.; nunc delendum, neque „civili modo“ scribendum putat; sed A^{um} aliquem certum modum quo servitus constituta fuerat nuncupasse;

3. d. nisi — est T; Lenel l. c.; Perozzi l. c.; H. Krüger l. c.; Bes. 2, 10; cedere T; in iure cedere A; Lenel l. c.; pacto — quamvis T; quia A; Perozzi l. c.; H. Krüger l. c.; fructus T? servitus A? H. Krüger l. c.

34 § 1: post — tempus T; Krüger Dig. ad h. l.

36: responsorum corr.; quaestionum inscr. Lenel Paul. 1288.

37: ὅπου δ' ἂν corr.; ὅπου ἂν P; Βασῆς Adnot. 169.

38: d. in (lin. 40) — traiciatur Gl; Scialoja Dig. Milan. ad h. l.

D. communia praediorum tam urbanorum quam rusticorum 8, 4.

1 § 1: praedium T; praedium nec quisquam deberi nisi qui habet praedium Vulg.; Mommsen additamentum Bononiensium ex J. 2, 3, 3 petitum; lectionem genuinam ex Epitom. Pand. haustam censet Kantorowicz SZ 30, 226 sq.

2: adicitur — possedit: quaedam esse T^i susp. Eisele SZ 18, 16; Albertario Fil. 37, 211.

3: dederit T; mancipio dederit G; Lenel Gai. 177; d. vel contra J; H. Krüger Prät. Servit. 40 n. 52.

6 pr.: tradat T; mancipet U; traditioni T; mancipio U; traduntur T; mancipantur U; traditae T; mancipatae U; tradendo T; mancipando U; Lenel Ulp. 2704; cf. Pernice Labeo 3, 1, 110 n. 2; Krüger Dig. ad h. l.

D. communia praediorum 8, 4

§ 1: tradet T; „mancipabit“ aut „mancipet“ U; tradidit T; mancipavit U; Lenel Ulp. 2704; cf. Krüger Dig. ad h. l.

§ 2: tradendo T; mancipando U; tradiderimus T; mancipaverimus U; traditio T; mancipatio U; traditionem T; mancipationem U; Lenel Ulp. 2704; cf. Krüger Dig. ad h. l.

§ 3 a: a) d. Si — quod (lin. 7) T; Bes. 2, 118; — b) tradere T; mancipare U; traditionem T; mancipationem U; tradendo T; mancipatione U; Lenel Ulp. 2704; cf. Cuq Inst. jurid. 1, 287 n. 5; Krüger Dig. ad h. l.; — c) d. vel¹ (lin. 4); vel — traditionem T; ceterum quaedam esse T^i susp.; Riccobono Riv. ital. 21, 385 sq.

7 pr.: tradendis T; mancipandis P; Lenel Paul. 1699; cf. Krüger Dig. ad h. l.

§ 1: inter aedibus — imponi excidisse „servitus“ putat Krüger Dig. ad h. l.; d. vel² — debeatur Gl? tradam T; mancipem P; Lenel Paul. 1699; cf. Krüger l. c.

8: a) tradidero T; mancipavero P; traditionem T; mancipationem P; tradit T; mancipat P; Lenel Pomp. 530; cf. Krüger Dig. ad h. l.; — b) d. sed — servitus T; Riccobono Riv. ital. 21, 383.

10: decimo corr.; „vicensimo octavo“ aut „vicensimo nono“ inscr. Lenel Ulp. 2706.

11 pr.: inter intereat — et excidisse „et ita Sabinus“ similiave putat Krüger Dig. ad h. l.; depressurum vel adlevaturum corr.; depressurus vel adlevaturus P; Scialoja Dig. Milan. ad h. l.; duci corr.; ducis P; Scialoja l. c.; Lenel Pomp. 789; inter duci — potestatem excidisse putat a) „accedendi“ Scialoja l. c.; b) „prohibendi“ Lenel l. c.

13 pr.: quamvis T; servitus imposita non est quia U; d. quia — obligantur T; Perozzi Riv. ital. 23, 8.

§ 1: a) d. nisi (lin. 15) — adimatur T; Eisele Beitr. 235; — b) d. nisi (lin. 15) — praestat T; Ferrini Pand. 460 n. 5; 461 n. 1; — c) d. si — praestat T; Kalb JL 71.

14: d. quod — est T; Bes. 3, 45.

15: a) quaedam T^i esse censet Bremer Jur. anteh. 1, 195; — b) cessisset T; in iure cessisset A; Lenel Alfen. 31.

16: d. aedes suas; adversus eum; vicinum; suum vel heredis T; Krüger Dig. ad h. l.; cf. J. 2, 3, 4.

17: genuinum esse censet Mitteis RPR 158 n. 20.

18: 1. d. vel adquirant T; Grad. Bull. 2, 8; SZ 23, 340;

2. a) post genere excidisse putat aut „in bona eius successum sit“ (sec. Mommsen Dig.) aut „in civitate esse desierit“; d. vel³ (lin. 1) —

D. communia praediorum 8, 4

alienaverit T; Grad. SZ 23, 340; — b) d. vel alio modo Gl; Huschke Giess. ZNF 4, 306; cf. Scipiō Gentilis Parerga 1, 15;

3. d. idem — acciderit T; Grad. Bull. 2, 8;

4. a) quo — vel (lin. 7) corr.; quod dare facere possunt ut P; Mommsen Dig.; quod dare facere ut P; Rudorff ZRG 6, 443; — b) quo dare corr.; quo, quod una P; Huschke l. c.; cf. Scipio Gentilis l. c.; — c) dare — possunt T; lege agere possunt, ut P? Lenel Paul. 1000;

5. d. uni vel T; Grad. Bull. 2, 8; SZ 23, 340.

D. si servitus vindicetur vel ad alium pertinere negetur 8, 5.

Rubrica: num sit edictalis quaerit Segrè Mél. Girard 2, 522 n. 2.

2 **pr.:** d. ad[1] (lin. 19) — pertinent T; Pampaloni Bull. 22, 109 n. 3; Segrè Mél. Girard 2, 582 sq.; tam — negat T; Segrè l. c.; Bes. 3, 60; de servitutibus actionum formulae, quae nobis competunt, aliae in edicto proponuntur, ut puta itineris actus viae, aliae ad exemplum earum conceptae sunt U? Segrè l. c.

§ 1: d. confessoria T (cfr. Lenel Pal. 2, 577, 1); servitutem — deberi T? Segrè Mél. Girard 2, 586 sq.

§ 2: d. per — constitueret T? sed — utetur T? Segrè Mél. Girard 2, 580 n. 1; 587.

§ 3: a) d. alibi[1] (lin. 28) — quaeritur T; Pampaloni Bull. 22, 145; Segrè Mél. Girard 2, 593 sq.; Vassalli misc. crit. II 23; — b) d. id est — actione T; Segrè l. c.

4 **pr.:** d. cui — sed T; qui U; Segrè Mél. Girard 2, 587.

§ 1: actione de servitute T; hac formula U; Scialoja Bull. 2, 167; Segrè Mél. Girard 2, 587 sq.

§ 2: confessoria — movetur T; actione de itinere U? servitutis T; itineris U; servitute T; itinere U; Segrè Mél. Girard 2, 589 sq.

§ 3: d. itaque — possit T? Krüger Dig. ad h. l.

§ 5: lin. 13 d. vel[1] — viae T? confessoria — utendum T; actione de itinere uti posse U? lin. 16 d. viam vel T? lin. 17 d. vel — vindicandam T; viae T? itineris U? nisi — convenit T; Segrè Mél. Girard 2, 596 sq.

§ 7: 1. U[i] textum breviorem fuisse et directo ad argumentum negatoriae actionis de servitute altius non tollendae pertinuisse putat Segrè Mél. Girard 2, 522 n. 2 s. f.;

2. de servitute T; haec U; Lenel Ulp. 597.

D. si servitus vindicetur 8, 5

§ 8: quaedam T[i] esse susp. Arangio-Ruiz Arch. giur. 78, 252 n. 1.

6 **pr.:** tempus statutum T; biennium U; Lenel Ulp. 597; cf. Krüger Dig. ad h. l.

§ 1: 1. quaedam esse T[i] susp. Perozzi Riv. ital. 23, 41 n. 1;

2. sciendum — petitorem T; Albertario Fil. 37, 211;

3. a) d. eum Mommsen Dig.; contra Audibert Stud. Fadda 5, 346 sq.; — b) d. eum iuris T; Arangio-Ruiz Scritti Fedele 158 n. 2;

4. a) d. et[1] (lin. 38) — impedierit T; Arangio-Ruiz l. c.; — b) d. et[2] (lin. 38); et[1] (lin. 39) — clam T; idem — impedierit: genuinum esse censet (contra Stoelzel operis novi nunciatio 437) Audibert l. c. 369—377, 377 n. 1.

§ 2: 1. quaedam esse T[i] susp. Longo Bull. 11, 299;

2. d. ut — est T? Segrè Mél. Girard 2, 522 n. 2;

3. et (lin. 2) corr.; at U; Scialoja Dig. Milan. ad h. l.

§ 3: sicuti — intentio: a) T; Longo Bull. 11, 300; — b) genuinum esse censet Arangio-Ruiz Scritti Fedele 150; Arch. giur. 81, 389; Pampaloni Bull. 22, 120 n. 1.

§ 4: a) d. sicuti — usufructu T; Longo Bull. 11, 301; — b) sicuti — servitutibus genuinum esse censet; d. excepto usufructu T; Arangio-Ruiz Arch. giur. 81, 389; Pampaloni Bull. 22, 120 n. 1; cf. Krüger Dig. ad h. l.

§ 7: d. aut — aut T; Audibert Stud. Fadda 5, 377 n. 3.

8 **pr.:** d. hoc est — cogere T aut Gl? Segrè Mél. Girard 2, 522 n. 2.

§ 2: meum corr.; eum U; Krüger Dig. ad h. l.

§ 4: domino corr.? dominio U; Keller Litis Contestation und Urteil 175 n. 2.

§ 5: d. nisi — admittit T; Perozzi Ist. 1, 393 n. 2.

9 **pr.:** d. sicut — diximus T; Segrè Mél. Girard 2, 598 n. 2.

10 **pr.:** 1. d. diuturno — possessione T; Perozzi Riv. ital. 23, 174 sq.; ius — sit T? H. Krüger Prät. Servit. 71;

2. a) d. sed — possedisse T; Perozzi l. c.; — b) utilem — ostendat T; sufficit ostendere eum U? H. Krüger l. c.

§ 1: 1. totum locum T[i] esse censet Arangio-Ruiz Scritti Fedele 150; Arch. giur. 81, 391 sq.;

2. hac actione T; hoc interdicto U; H. Krüger Prät. Servit. 72 et n. 82;

3. a) d. exemplo — potero T; Perozzi Riv. ital. 23, 174; — b) d. et — potero T; H. Krüger l. c.

D. si servitus vindicetur 8, 5

11: 1. quaedam esse T^i susp. Segrè Mél. Girard 2, 522 n. 2;
2. iure aedificare T? iure servitutis aedificare M? Segrè Riv. ital. 8, 374 n. 555; Bull. 2, 110; Bonfante Rend. Ist. Lomb. 46 S. II (1913) 675;
3. a) d. id est — habere Gl; Bes. 1, 79; — b) lin. 39 d. ius² — vel T? Segrè Mél. Girard l. c.;
4. et magis — velit: quaedam T^i esse susp. Bonfante l. c.

15: d. minoris — vel; curator vel; vel minori T; Krüger Dig. ad h. l.

16: 1. quaedam esse T^i susp. Perozzi Riv. ital. 23, 35;
2. actione quadam T; interdicto J; H. Krüger Prät. Servit. 31; respondi genuinum esse censet Mommsen Jur. Schr. 2, 14 n. 25 (contra Dig.).

17 pr.: d. semipedem — amplius T; Bonfante Lezioni sulla proprietà Pavia 1902, 15; Perozzi Ist. 1, 393 n. 1; oportet T; oportere respondit A; Bremer Jur. anteh. 1, 193.
§ 2: possit corr.; posse et A; *Βασῆς* Adnot. 170.

19: 1. quaedam esse T^i susp. Biondi Annali di Perugia 1913, 75 n. 3 (estr.);
2. d. non — aequum T? Redenti Arch. giur. 79, 47 n. 2.

20 pr.: inter respondit — deberi excidisse putat „non" Riccobono Riv. ital. 21, 402; Ferrini Pand. 496 n. 2.
§ 1: a) d. id (lin. 13) — transire T; Bes. 2, 70; — b) d. sed (lin. 14) — transire T; Grad. Itp. 200; Lenel Scaev. 12; Riccobono Riv. ital. 21, 403; Studi Brugi 193.

21: cedi T; in iure cedi L; Lenel Labeo 193.

D. quemadmodum servitutes amittuntur 8, 6.

2: statuto tempore T; biennio P; Cuiac. 7, 723B; Grad. SZ 7, 56; Krüger Dig. ad h. l.

6 § 1: constituto tempore T; biennio C; Cuiac. 7, 723B; Faber Ration. ad D. 8, 6, 2 (2, 2, 260); si quo melior corr.; sic conditio melior C; Fuchs Krit. Studien 24.
§ 1b: 1. d. si modo — convenit T; num T; non C; Bes. 3, 27;
2. ea re a) d. T; Bes. l. c.; — b) corr.; „causa" aut „respectu" C; Perozzi Bull. 6, 3;
3. d. nec — servo; et ab — et T; Bes. l. c.
§ 1c: d. si (lin. 19) — possit T; Scialoja Dig. Milan. ad h. l.
§ 1d: d. bisque — anfractum T; Scialoja Dig. Milan. ad h. l.

D. quemadmodum servitutes amittuntur 8, 6

7: 1. quaedam esse T^i susp. Di Marzo Le L decisiones di Giustiniano 87;
2. d. cum — potest T; Bes. 3, 62;
3. inter itaque — et quaedam intercidisse de aqua aestiva et menstrua quo tempore amittantur putat Krüger Dig. ad h. l.;
4. a) duplicato — tempore T; Krüger l. c.; — b) constituto tempore T; biennio P; Cuiac. 7, 723B;
5. statuto — tempore T; biennio P; Cuiac. l. c.

10 § 1: constitutum — tempus T; biennium P; Cuiac. 7, 723B; Grad. SZ 7, 56; Krüger Dig. ad h. l.

11 pr.: 1. videamus — magisque T; magis M; videatur T; videtur M; Pampaloni Bull. 22, 117 n. 3;
2. a) d. sicuti — aliam T; Pampaloni l. c.; — b) si post sicuti transfert Scialoja Dig. Milan. ad h. l.;
3. a) d. ideoque — habere T? Faber Ration. ad h. l. (2, 2, 265); — b) in — quaestionibus; quidem; non (lin. 15) — habere T; Pampaloni l. c.
§ 1: inter legatus — esset T^{um} delevisse „per vindicationem" putat Lenel Marcel. 34.

12: d. fortius T; Bremer Jur. anteh. 2, 1, 359.

13: a) legitimum — pereunt T; biennium M; Cuiac. 7, 723B; Lenel Marcel. 198; Krüger Dig. ad h. l.; — b) legitimum tempus T? Mommsen Jur. Schr. 3, 357, 358 n. 1.

14 pr.: 1. tempus — sufficit T; biennium J; Cuiac. 7, 723B; Lenel Javol. 42; Krüger Dig. ad h. l.;
2. a) d. quodsi — est T; Pampaloni Bull. 22, 119 n. 11; — b) id tempus T; biennium J; Cuiac. l. c.; Krüger l. c.; d. ut — amittatur T; Krüger l. c.

16: statuto — amittitur T; biennio P; Cuiac. 7, 723B; Krüger Dig. ad h. l.

17: per — amittitur T; biennio P; Cuiac. 7, 723B; Krüger Dig. ad h. l.

18 § 2: statuto tempore T; Krüger Dig. ad h. l.

19 pr.: 1. quaedam esse T^i susp. Biondi Annali di Perugia (1913) 75 n. 3 (estr.).
2. statutum tempus T; biennium P; Cuiac. 7, 723B; Grad. SZ 7, 56; Krüger Dig. ad h. l.
§ 1: per constitutum — servitutem T; biennio P; Cuiac. 7, 723B; Krüger Dig. ad h. l.

25: nec¹ — competit T; interdictum utile non redditur (vel similia) P; H. Krüger Prät. Servitut 79.

D. si quadrupes pauperiem fecisse dicatur 9, 1.

1 **§ 3:** ait praetor T; „formulae verba haec sunt" similiave U; Lenel EP 190 n. 9; Ulp. 607.
§ 5: induci corr.; duci U; *Βασῆς* Adnot. 170.
§ 11: eum sibi T; Numerium Negidium Aulo Agerio U; Lenel EP 192; Ulp. 608; cf. Krüger Dig. ad h. l.; noxam [1] corr.? noxiam U? oportere T; oportet U; Lenel l. c.
§ 12: d. Et T; Lenel EP 192 n. 2.
§ 13: ante Plane „Noxae — vivum" ex §° 14 transfert Krüger Dig. ad h. l.
§ 14: Noxae — vivum ante Plane in §° 13 transfert Krüger Dig. ad h. l.
§ 16: quia — quia T; quamvis U; d. ergo — proposito T; Pampaloni Stud. Senesi **16**, 223 n. 6; offerret corr.; offerre debet U; Bes. 3, 181; d. nisi — occidit T; Krüger Dig. ad h. l.
§ 17: d. ceterisque successoribus; ceterosque T; Longo Bull. 14, 156.
3: d. scilicet — factus T; Marchi Bull. 16, 233 n. 5; Grupe sec. Krüger Dig. ad h. l.
4: competit T; ?Krüger SZ 16, 5; Seckel s. v. utilis (609 b).

D. ad legem Aquiliam 9, 2.

2 **pr.:** vel genuinum esse censet Vangerow Pand. [7] 3, 577.
§ 2: d. elefanti — oportet T; Eisele SZ 18, 17.
3: cf. Coll. 7, 3, 1.
4 **pr.:** d. insidiantem mihi; nam — defendere T; Perozzi Ist. 2, 260 n. 4.
§ 1: d. ut (lin. 14) — testificetur; ut — testificetur T; Riccobono Fontes iuris rom. anteiust. 1, 47.
5 **pr.:** 1. cf. Coll. 7, 3, 2; 7, 3, 3;
2. metu mortis: a) d. T; Perozzi Ist. 2, 260 n. 4; — b) T; quis noctu U; Pernice Labeo 2, 1, 81; Ferrini Dir. pen. 176; cf. Coll. 7, 3, 3.
§ 1: Coll. 7, 3, 4; d. interdum T; Pernice Labeo 2, 1, 46 n. 1; d. igitur — noluit Gl; Bes. 3, 105.
§ 3: sed (lin. 3) — dubito T? De Medio Stud. Scialoja **1**, 53.
7 **§ 3:** inter dedit — secundum quaedam a T° omissa esse censet; d. secundum quod T; Bes. 3, 156.
§ 4: 1. quaedam esse T[i] susp. Marchi Bull. 16, 234;
2. a) d. in [2] (lin. 20) — procedit T? d. plane — cessat T? De Medio Stud. Scialoja 1, 57; — b) aut si — cessat T; Albertario Fil. **1911**, 811.

D. ad legem Aquiliam 9, 2

8: d. sed (lin. 35) — intellegitur T; Bes. 2, 85.
9 **§ 4:** ante § 4 quaedam excidisse putat Lenel Ulp. 614.
11 **pr.:** inter sane — si excidisse „ita est" putat; d. est quod — imputetur T; Bes. 3, 114.
§ 2: a) d. et (lin. 25) — poena T; Eisele Arch. z. Pr. 77, 466; cf. ib. 67, 47; — b) d. nam — poena T? Binder Korrealobl. 379; — c) genuinum esse censet Seckel s. v. relevare 3 a.
§ 8: d. et — danda T? De Medio Stud. Scialoja **1**, 68 n.; genuinum esse censet Debray NRH 33, 664.
§ 10: et — dandum T; Baviera Scritti giuridici (Palermo 1909) **1**, 174 n. 1.
13 **pr.:** quaedam esse T[i] susp. De Medio Stud. Scialoja 1, 61.
§ 2: d. dominus (lin. 10) — habebitur T; Di Marzo Stud. Scialoja 2, **61** sq.; Buckland Slavery 252.
§ 3: a) legatus T; do lego legatus U; Segrè Stud. Scialoja **1**, 253 n. 1; — b) genuinum esse censet; non corr.; vel U; Wlassak SZ 31, 298 sq.
14: totum locum post adquisita in fr. 15 pr. transfert Krüger Dig. ad h. l.; contra Wlassak SZ 31, 243 n. 1.
15 **pr.:** 1. legatus servus T; servus do lego legatus U; Segrè Stud. Scialoja **1**, 253 n. 1; post adquisita transferendum esse putat fr. 14 h. t. Krüger Dig. ad h. l.; contra Wlassak SZ 31, 243 n. 1;
2. a) quodsi — oportet T; idem dicendum est, si vulneratus sit ante aditam hereditatem U? Wlassak SZ 31, 243 sq. et n. **1**; — b) quodsi — oportet genuinum esse censet Bes. 2, 77 sq. (dubitat 3, 181); — c) in — oportet T? Segrè l. c.
§ 1: 1. d. mortifere Gl? Seckel s. v. mortifer;
2. a) ita corr.; ideo U; Kübler sc. Krüger Dig. ad h. l.; — b) d. haec ita — occisus T; Bes. 3, 8.
17: quaedam esse T[i] susp. De Medio Stud. Scialoja 1, 44.
23 **§ 4:** d. per eum commissas Gl? Lenel Ulp. 616.
§ 8: d. ceterisque successoribus; ve ceteros T; Longo Bull. 14, 156; d. nisi — sit T; De Francisci Azioni penali 70.
§ 11: d. et — vivum esse; hoc — oportet T; Bes. 3, 138.
25 **§ 1:** d. aut quivis alius; in eos T; Naber Mnem. 1898, 273 n. 1.

§ 2: totum locum Gl esse putat Bes. 1, 54.

27 **§ 1:** d. id — tuus T; Bremer Jur. anteh. 2, 2, 109; puto T; Marcellus ait U? Ferrini Rend. Ist. Lomb. 19, 254.

§ 3: cui corr.; qui U; Huschke Publ. Kl. 74 n. 150; d. et est verissimum T; Krüger Dig. ad h. l.

§ 4: totum locum esse T^{i} susp. Pernice SZ 22, 76 n. 3; Krüger Dig. ad h. l.

§ 5: erit corr.; fuerit U? *Βασῆς* Adnot. 170.

§ 7: quaedam omisit T; Coll. 12, 7, 1.

§ 8: quaedam mutavit omisitque T; Coll. 12, 7, 3.

§ 9: quaedam mutavit T; Coll. 12, 7, 7.

§ 10: quaedam mutavit T; Coll. 12, 7, 8.

§ 11: 1. quaedam omisit T; Coll. 12, 7, 9;

2. a) d. sed — rationem T; Messina-Vitrano Note intorno alle az. 45—48; Schulz Wiener Ztschr. 38, 32 sq.; Krüger Dig. ad h. l.; — b) d. sed — habuit (lin. 17) T; Eisele SZ 13, 122.

§ 12: quaedam omisit T; Coll. 12, 7, 10.

§ 14: a) inquinares T; inquinares, an legis Aquiliae actio sit. Et ait U; d. non — sed et T; Pampaloni Bull. 3, 242 sq.; d. et si — inquietet T; Eisele SZ 13, 136; Pampaloni l. c.; Ferrini Dir. pen. 319; Pand. 726 n. 4; Lenel EP 517 n. 3; Bes. 2, 83; quaedam corr.? quidem U? Pampaloni l. c.; — b) genuinum esse censet Debray NRH 33, 648.

§ 17: quaedam mutavit T; Coll. 2, 4, 1.

§ 30: usu corr.; usum U; *Βασῆς* Adnot. 170.

§ 32: d. melius — dandam T? De Medio Stud. Scialoja 1, 33.

§ 34: d. conductum; ei; suum eum; et (lin. 21) Gl; Lenel Ulp. 625; d. id — servi Gl? Pernice Labeo 2, 2, 1, 64 n. 1.

28 **§ 1:** totum locum T^{i} esse putat Bes. 3, 73.

29 **§ 1:** d. citra servitutem; protexit T; Bes. 2, 38.

§ 2: d. aut (lin. 13) Gl; *Βασῆς* Adnot. 170.

§ 3: d. aut si post scribit aut et ante nautae; Scialoja Dig. ad h. l.; d. plane — agendum; lin. 19 idemque — probandum T; Bremer Jur. anteh. 2, 1, 259; 2, 2, 137.

§ 4: a) d. sed — sufficere T; Albertario Contr. alla cr. del D. Pavia 1911, 33; — b) inter vis — navi excidisse „venti“ putat Scialoja Dig. ad h. l.

§ 7: d. dum — adferre T; Bes. 3, 71.

30 **§ 1:** 1. a) d. sed (lin. 37) — actio (lin. 2) T; Faber Ration. ad h. l. (2, 2, 306); — b) sed (lin. 38) — actio (lin. 2): quaedam esse T^{i} susp. Eisele SZ 13, 123; — c) d. sed (lin. 38) — teneri; vel (lin. 41) — actio (lin. 2) T;

Grad. Itp. 89, 233; — d) d. nisi — (lin. 2) actio T; De Medio Stud. Scialoja 1, 36;

2. genuinum esse censet Manigk Pfandrechtl. Unters. 1, 1, 124 sq.; Debray NRH 33, 662.

§ 3: post laeserit ins.: ‘is, qui eius damni occasionem praestitit, ex hac lege tenetur’; d. requiramus — culpa Gl; Bes. 1, 48; 2, 85.

31: d. vel machinarius; ut — evitari possit T; poterit corr.? potuit U? d. aut tum — non possit T; inter possit — secundum quaedam excidisse putat; d. secundum — fieret; quod si — transiturus sit T; Bes. 3, 156.

32 **pr.:** d. id (lin. 22) — fecisset T; Kniep RG 178; d. sed — daretur T; Krüger Dig. ad h. l.

36 **§ 1:** d. nam — existit T; Bes. 3, 27.

39 **pr.:** iciendo corr.; a) eiciendo P; Mommsen Dig. ed. maior; Pernice Labeo 2, 1, 59; — b) abigendo P; Mommsen Dig. ed. stereotypa.

§ 1: 1. quaedam esse T^{i} susp. Di Marzo Saggi critici sui libri di Pompon. ad Q. M. 56; Pernice Labeo 2, 1, 59 sq., 65, 77;

2. quid corr.; a) quis P; Mommsen Dig. ed. maior; — b) quod P; Mommsen Dig. ed. stereotypa.

40: a) d. interim; quoque; qui — habebit T; Bes. 1, 79; — b) extitit corr.; existat P; Scialoja Dig. ad h. l.; — c) d. et si — adducam; sed — habebit T; Schulz SZ 33, 65 n. 3; — d) iudicem T; praetorem P; Briegleb Summarische Prozesse 271.

41 **pr.:** d. in factum et T; Marchi Bull. 16, 237 n. 1.

42: 1. d. aut — instrumentum T; Lenel Jul. 653; Pernice Labeo 2, 2, 1, 213 n. 1; delevit corr.; interlevit J; possit corr.; possint J; Bes. 1, 23;

2. a) d. et ad exhibendum T; d. quia — exhibuerit T aut Gl; Bes. 1, 23; — b) genuinum esse censet Lenel Wiener Ztschr. 37, 546.

43: decimo corr.; vicensimo inscr. Lenel Pomp. 744; contra Krüger Dig. ad h. l.; dominum T; erum P? d. quod (lin. 29) — clam T; Lenel l. c.; cf. Krüger l. c.; Albertario Riv. ital. 52, 21.

45 **§ 4:** culpam corr.; cuipiam P; *Βασῆς* Adnot. 170.

47: d. compelletur — egisset T; Krüger Dig. ad h. l.

49 **§ 1:** nisi corr.; non si U; *Βασῆς* Adnot. 171.

50: praeter — pertinet T? Perozzi Ist. 66 n. 1.

51 **§ 2:** a) quod si — sustulisse: plura T^{i} esse susp. Segrè Bull. 19, 216 n. 1; —

D. ad legem Aquiliam 9, 2

b) d. quod si — sustulisse T? Seckel s. v. impunitus, innumerabilis; — c) d. a — constitui[1] (lin. 7) T; Pampaloni Arch. giur. 55, 515; d. quod si — teneatur; subtili — quia T; Bes. 3, 27.

52 **§ 1:** d. in quo — inerat Gl? Lenel Alfen. 7.
§ 2: quo facile — inter T; Pernice apud Bremer Jur. anteh. 1, 326.

55: et (lin. 25) corr.; at P; Krüger Dig. ad h. l.; contra *Βασῆς* Adnot. 171; d. cum viliorem — tractatum; Bes. 3, 62.

D. de his, qui effuderint vel deiecerint 9, 3.

1 **pr.:** 1. quo corr.; qua Ed. (cf. D. 9, 3, 5, 9); *Βασῆς* Adnot. 171; vel in T; inve U; d. vel T; Seckel s. v. vel 1;
2. a) si (lin. 4) — dedere T; Pampaloni Stud. Senesi 16, 37 n. 30; 16, 232; — b) iudicio T; formula Ed.; Grad. SZ 8, 257; — c) iudicio genuinum censet Wlassak Röm. Proz. Ges. 1, 79 n. 5 a; — d) noxam corr.? noxae Ed.? Lenel EP 168 n. 9.
§ 2: debet T; videtur U; d. semper — habere T; Bes. 3, 164.
§ 4: d. culpa — est T; Schulz Wiener Ztschr. 38, 48 sq.; d. quamvis — exiget T; Rotondi Annali Perugia 1913, 306 n. 1.
§ 7: post familias T^um^ delevisse „vel servus" putat; de peculio — competit T; Pampaloni Stud. Senesi 16, 234.
§ 8: 1. a) Cum — oportere: T^i^ esse susp. Faber Ration. ad h. l. (2, 2, 324); — b) d. Cum — est; quia (lin. 24) — nocuerit T; post servum T^um^ delevisse „vel filium familias" putat; Pampaloni Stud. Senesi 16, 234;
2. d. sed (lin. 27) — corrigendum T; Faber l. c.; Pampaloni l. c.; Marchi Bull. 16, 222 n. 2.
§ 9: d. quantum — peregrinantem Gl? Scialoja Dig. Milan. ad h. l.

4: a) d. perceptione — contestatione T; Alibrandi Giorn. di giurispr. 1, 395 sq. = Opere 1, 180 sq.; Eisele Arch. z. Pr. 77, 435; Ascoli Studi e docum. 11, 168; sulle obbl. solid. 48; Binder Korrealobl. 371; — b) d. perceptione T; Ferrini Obblig. 419; Levy Sponsio 202 n. 6.

5 **§ 4:** 1. inter quis — condemnatus excidisse putat a) „tenetur"; Mommsen Dig.; — b) „teneatur, quod deiciendo damnum dederit"; Krüger Dig. ad h. l.; — condemnatus est transfert post hoc (lin. 11) Mommsen l. c.; Krüger l. c.;
2. legis — actione T; lege Aquilia U;

D. de his, qui effuderint vel deiecerint 9, 3

condemnatus T; damnas U; deiecit, in T; deiecit condemnatus est, in U; Lenel Ulp. 689.
§ 5: d. similibusque personis T; Longo sec. Krüger Dig. ad h. l.
§ 6: a) inter dicetur — aut T^um^ delevisse „eum aut defendi" putat Grad. SZ 8, 257; — b) aut — iubebo T; in iudicio adiciam „aut noxae dedere" U? Lenel Ulp. 690; — c) noxae dedi T? defendi aut duci U? Lenel EP 169 n. 5.
§ 8: inhabitent corr.; inhabitant U aut: habent corr.; habeant U; *Βασῆς* Adnot. 171.
§ 9: post aedificii excidisse „suggrunda protectove" putat Scialoja Dig. Milan. ad h. l.
§ 13: inter popularis — est excidisse „non" putat Scialoja Arch. giur. 28, 532; Dig. Milan. ad h. l.; d. similibusque T; Longo Bull. 14, 159.

7: d. iudex — factus est T? De Medio Stud. Scialoja 1, 58 n. 1; d. cicatricium — aestimationem T; Marchi Bull. 16, 222 sq.

D. de noxalibus actionibus 9, 4.

2 **§ 1:** a) d. sed (lin. 20) — probatur T; Faber Ration. ad h. l. (2, 2, 332); — b) d. nos — probavimus T; Pampaloni Arch. giur. 55, 508.

3: d. In — actionibus T; Pampaloni Stud. Senesi 16, 36.

4 **pr.:** 1. quaedam T^i^ esse susp. Bes. 3, 45;
2. ad — proclamans T; in libertatem adsertus P; Lenel Paul. 110; genuinum censent Wlassak Wiener Ztschr. 19, 715 sq.; Schlossmann SZ 13, 225 sq.; Lenel nunc dubitat; qui (lin. 30) corr.; quia P; *Βασῆς* Adnot. 171.
§ 2: 1. totum locum esse T^i^ putat Faber Ration. ad h. l. (2, 2, 333);
2. inter forte — praetor excidisse putat „quod" Pampaloni Stud. Senesi 16, 238; d. una — tollitur T; Eisele Arch. z. Pr. 79, 372; Pampaloni l. c.
§ 3: 1. a) d. absolutione — iudicio T; Eisele Abh. 54; Ferrini Obblig. 417 n. 1; 427; d. rei iudicatae; et finita T; Eisele l. c.; — b) summovebitur T; non summovebitur P; finita est T; finita non est P; Pampaloni Stud. Senesi 16, 238;
2. a) d. donec — prohibendus T; Faber Ration. ad h. l. (2, 2, 333); — b) d. donec — transire T; Eisele l. c.; Ferrini l. c.; Pampaloni l. c.; Biondi Studi sulle actiones arbitrariae e l'arbitrium iudicis 1, 142 n. 1; d. in ipso — prohibendus T; Eisele l. c.

5 **pr.:** 1. nec T; et U. Ascoli obblig. solidali in studi e doc. di st. e dir. r. XI (1890)

p. 39; contra Bonfante Le obbligazioni, Pavia 1911—12, p. 126;

2. deliquerit T; album corruperit U; Pampaloni Stud. Senesi 16, 37;

3. a) d. nec — liberabitur T; Binder Korrealobl. 389; — b) d. nec — convento T; Ascoli Studi e docum. 11, 159; — c) nec T; et U; Ferrini Obblig. 418; 428; — d) nec T; sed U; Perozzi Ist. 2, 113 n. 1.

7 **§ 1:** d. iam non T; Pampaloni Stud. Senesi 16, 238.

8: 1. inter tenetur — eoque delevisse T^{um} quaedam putat; d. sed — paratus T; Bes. 2, 171; plane — fuerint T; sed si U; d. vel — erciscundae T; eos T; socios U; Berger Teilungsklagen 169 sq.;

2. a) d. ante noxale — iudicium (lin. 31) T; Bes. 2, 171; cf. 118; — b) genuinum censet Berger Kr. Vjschr. 1912, 427; — c) cedendo T; in iure cedendo U; Kniep RG 171; — d) d. quamquam — iudicium T; Faber Ration. ad h. l. (2, 2, 336); — e) d. quod si — iudicium T; Berger l. c.; — f) sed melius — iudicium T; Bonfante Traduzione di Glück 39, 2, 419 controv. ee.

9: d. vel — servus; nec — consequetur T; Pampaloni Stud. Senesi 16, 210.

11: d. vel — maneat T; C. Appteton. Hist. de la comp. 391, 1; Seckel s. v. exceptio [p. 183 b], indemnis; Bes. 2, 108.

12: 1. quaedam esse T^i susp. Pernice Labeo 2, 2, 1, 75 n. 8;

2. per corr.? propter P; Scialoja Dig. Milan. ad h. l.

14 **pr.:** quaedam T^i esse censet Seckes s. v. occupare 5.

§ 1: 1. quadam excidisse putat Kniep RG 257;

2. T^{um} quaedam delevisse censet Duquesne Translatio 197 n. 1;

3. ut — contingentem: quaedam T^i esse susp. Koschaker Translatio 201;

4. ob suum corr.; servum suum U; Bluhme Rhein. Mus. 2, 388 sq.

15: 1. sexto corr.; septimo inscr. Bluhme ZGRW 4, 427;

2. T^{um} quaedam delevisse censet Duquesne Translatio 197 n. 1;

3. a) tradendo T; mancipando G; Lenel Gai. 130; Bremer Jur. anteh. 2, 2, 73; Duquesne l. c.; cf. Krüger Dig. ad h. l.; — b) tradendo T; in iure cedendo G; Kniep RG 254.

16: quaedam T^{um} delevisse susp. Bluhme ZGRW 4, 292 n. 4.

17 **pr.:** 1. deliquit T; occidit P; Pampaloni Stud. Senesi 16, 37;

2. a) iniquum (lin. 34) — patiatur: quaedam esse T^i susp. Perozzi Ist. 2, 113 n. 1; — b) iniquum (lin. 34) — fieri: quaedam esse T^i susp. Eisele Arch. z. Pr. 77, 471, — c) iniquum — dediti T; alter non liberabitur P vel similia; non — fieri T; nihil ab altero consequatur; namque P vel similia; Bonfante Le öbbligazioni, Pavia (1911—12), 127—129; — d) d. iniquum (lin. 34) — liberari T; aliasque T^i esse putat Ferrini Obblig. 418; — e) d. iniquum (lin. 34) — patiatur T? Binder Korrealobbl. 114 sq.; — f) eum (lin. 2) corr.; enim P; Βασῆς Adnot. 171.

§ 1: 1. inter agat — in complura excidisse putat Lenel Paul. 369;

2. a) officio — tueris: quaedam esse T^i putat Krüger Dig. ad h. l.; — b) cedere T; in iure cedere P; Kniep RG 172; tradas et T; tradas ab actore liberaris et P; Naber Mnem. 1902, 174 n. 12.

18: a) d. sed — ei T? Longo sec. Krüger Dig. ad h. l.; — b) sed corr.; si P; Βασῆς Adnot. 172; — c) d. quamvis — ei T; Pampaloni Bull. 22, 129 n. 3.

19 **§ 1:** verba efficiunt T; (verba) edicti ins. Vulg. et Hal.; Flor. lectionem genuinum censet Bachofen Pfandr. 1, 411 ad a. 4.

§ 2: 1. quaedam esse T^i susp. Buckland Slavery 248;

2. d. et idem nauta Gl? Pampaloni Stud. Senesi 17, 257 n. 20;

3. d. ad noxam — vicarium T; Bes. 3, 9;

4. ad noxam corr.; a) aut noxae P; Keller apud Mommsen Dig. ad h. l.; — b) noxae P? Pampaloni l. c.;

5. a) d. idemque — iusserit Gl? Pampaloni l. c.; Bes. 3, 9; — nautam corr.? nautae vicarium P? Lenel Paul. 375.

21 **pr.:** 1. ut — suscipitur: genuinum esse putat Lenel EP 157 n. 4;

2. a) aut — haberet T; Eisele SZ 13, 124; Lenel EP 156 n. 4; — b) d. aut — omnimodo T? Seckel s. v. omnimodo; — c) d. iudicium suscipiet; sed non alias T; condemnabitur T; ducetur U; d. quam — haberet T; Naber Mnem. 1902, 177.

§ 1: Ante quod ita quaedam excidisse putat Lenel EP 156.

§ 4: a) lin. 10 d. qui — contumaces T; Biondi Il giuramento decisorio 62; — b) condemnantur T; ducuntur U; Naber Mnem. 1902, 177; Lenel EP 156 n. 2.

§ 6: exceptio iurisiurandi T; actio U; adversus — dari T; ei denegari U; dandam T; denegandam U; Biondi Il giuramento decisorio 69; si modo — habere T; Pernice apud Bremer Jur. anteh. 2, 2, 354.

D. de noxalibus actionibus 9, 4

22 pr.: 1. depositus — commodatus T; a) fiduciae datus P; Pernice Labeo 3, 1, 129 n. 1; 140 n. 2; Mancaleoni Fil. 1898, n. 9; — b) fiduciae causa mancipio datus P; Ferrini Arch. giur. 52, 497; cf. Storia delle fonti 57 sq.; de Ruggiero Bull. 19, 30 n. 1;

2. domino T; debitore P; ?Pernice l. c.; de Ruggiero l. c.;

3. d. maxime — hominis Gl; Bes. 3, 9.

§ 1: d. si facultatem — habeat T; Bes. 3, 9.

§ 2: totum locum Ti esse putat Bes. 3, 9.

§ 3: 1. a) punitur T; ducitur P; Naber Mnem. 1902, 170 n. 3; — b) genuinum censet Biondi Il giuramento decisorio 38 n. 3;

2. noxae dederit corr.; defenderit P; Bes. 3, 9.

23: d. et T; Krüger Dig. ad h. l; d. denegata — exceptione T; Biondi Il giuramento decisorio 69.

24: a) d. adversus eum; qui — noxalis T; Lenel Paul. 289; — b) d. noxalis[1] T; Cuiac. 3, 641 B; Bachofen Pfandrecht 1, 416 n. 16.

26 § 3: solvente T; convento P; Binder Korrealobl. 391.

§ 5: d. Neque heredi Gl; Lenel Paul. 289.

§ 6: 1. quaedam esse Ti susp. Ferrini Pand. 405 n. 3;

2. d. vel etiam praesente T; Naber Mnem. 1902, 170 n. 5; Lenel EP 157 n. 3; dominii adquisitione: a) T? cum servus in potestatem actoris pervenerit P? Pernice Labeo 2, 1, 421 n. 7; — b) genuinum esse censet Segrè Riv. ital. 43, 357 n. 2.

27 pr.: agitur T; „agatur“ aut „agetur“ G; Wlassak Ursprung d. Einrede 40 n. 90; d. actionem T; Kniep RG 173; post potest Tum delevisse „etiam si is, qui noxali iudicio egerit, adversus pignoris persecutionem annali exceptione Italici contractus uti non possit, tamen“ putat Kniep RG 177; d. ipso iure T? Wlassak l. c. 41 n. 95; d. nullum — negatur Gl; Rabel SZ 32, 422 n. 1; constituto tempore T; Krüger Dig. ad h. l.

28: 1. quaedam Ti esse susp. De Medio Arch. giur. 68, 230;

D. de noxalibus actionibus 9, 4

2. d. Et generaliter T; Lenel Afric. 65; iustam servitutem Gl; bona fide A? Bes. 3, 156; si (lin. 5) corr.; nisi A; Huschke Publ. Kl. 87; inter eius — sit excidisse „non“ putat Huschke ZGRW 13, 317 n. 58; profuturam corr.; futuram A; Bes. l. c.;

3. a) d. et secundum — sufferat T; Bes. l. c.; — b) d. ipso iure T? Eisele Comp. 149;

4. inter eo — non quaedam excidisse putat; d. quoniam — habeo T; Bes. l. c.

29: 1. post recusare excidisse „potest noxale iudicium verum et habenti in“ putat Mommsen Jur. Schr. 2, 118;

2. sed — esset: a) T; Eisele SZ 13, 124; — b) genuinum esse censet Lenel EP 157 n. 4.

30: a) In — absunt T; Eorum qui bona fide absunt sicut in noxalibus actionibus ita in stipulatione damni infecti G; Lenel Gai. 32; — b) In noxalibus T; noxalibus G; Naber Mnem. 1902, 175.

31: duplationis corr.; dupli actionis P; Bluhme Rhein. Mus. 4, 385; tempus corr.; tempore P; erunt corr.; erant P; Βασῆς Adnot. 172.

32: tradere T; mancipare C; Naber Mnem. 1889, 402; Lenel Callistr. 67; mancipio dare C; Lenel EP 157 n. 4; cf. Krüger Dig. ad h. l.; d. et — debet T; Eisele SZ 13, 124.

33: quarto corr.; nono inscr.; d. indistincte — est T; Lenel Pomp. 664.

34: 1. totum locum Ti esse censet Seckel Festg. f. Bekker 327 n. 2;

2. genuinum esse censet Koschaker Translatio 192 sq.; nunc Ti esse censet;

3. in — datur T? Lenel Jul. 922.

35: a) inter si — condemnatus Tum „ex delictis“ delevisse censet; totum locum in D. 5, 1, 57 post actio transferendum esse putat Duquesne Translatio 207 n. 1; — b) iudicatum facere T? duci U? Seckel Festg. f. Bekker 327 n. 2.

36: quaedam esse Ti susp. Berger SZ 31, 450.

42 pr.: ad — proclamaverit T; in libertatem adseratur U; Lenel Ulp. 1050; iam dubitat.

DIGESTORUM LIBER X

ED.

GERHARD VON BESELER

D finium regundorum 10, 1

Faber Err dec 94 err 2 quibusdam huius tituli locis, antequam a Triboniano corrumperentur, de iureiurando in iudicio fin reg deferendo actum fuisse suspicatur

1 [in — licet] Arangio-Ruiz Riv it sc giur 52 (1913) 238 Biondi Ann Pal 10 (1925) 27

2 pr [quamvis —] Arangio-Ruiz Bull 32 (1922/3) 22

§ 1 [§ 1] Bes 3, 67; 4, 125

3 [quo nomine]; [pro — adiudicatur] Arangio-Ruiz Bull 32 (1922/3) 18. 53
[3] Bes 4, 125

4 § 1 [interest — sed et] ⟨litis causa impensum est. nam⟩ Bes 1, 64

§ 2 [nam — praestantur] Bes 1, 64
[non] omnimodo ⟨non⟩ Pernice l infra c 360 n 1 Kr Dig adhl
[omnimodo] Seckel s v omnimodo
[si eos consumpsit] Zachariae Inst (1816) 286 Pellat Propriété (1853) 306 sqq Alibrandi Possesso (1871) 126 sqq Ascoli Stud e doc 11 (1890) 165 n 3 Kremlow B f possessor fructus suos facit (1894) 7 Czyhlarz (Glück) 1, 581 Pernice Labeo 2 [2] Abt 1, 357; 360 n 1 Ferrini Pand 373 n 3 Kr Dig adhl Ebrard form hypoth 113 n 63 Betti Att Tor 55 (1919/20) 114; Lit aest (1919) 46

§ 3 [vel — eius] Arangio-Ruiz Bull 32 (1922/3) 23

§ 5 [$\overline{pp}$ § 5] Taubenschlag Röm Priv R z Zeit Diokl 240 n 5

§ 7 [in hac actione] gl? Riccobono Communio 56 n 4

§ 9 [$\overline{pp}$ § 9] Redenti Arch giur 79 (1908) 85 n Biondi Legittimazione 59 n 3 (Ann Perug 1913, 425 n 3)
vectigalibus [—] ⟨—⟩ Baviera Scr giur 1, 175 n 1 Kr Dig adhl

§ 10 [neque — ea] ⟨quae⟩; [in agris] Arangio-Ruiz Bull 32 (1922/3) 21
[$\overline{pp}$ § 10] Beseler SZ 45 (1925) 462

8 § 1 [§ 1] Bes 3, 67

D familiae erciscundae 10, 2

8 § 1 [ut—] Biondi Iudicia b f 1, 232 n 3 (Ann Pal 7, 1918) Guarneri Citati Obbl indivis 1, 137 n 1 (Ann Pal 9, 1921)
[oculisque] ⟨oculis quoque⟩ Faber ⟨*ita fere* Bas Ferr Merc) cf Dig Mil adhl

D familiae erciscundae 10, 2

1 § 1 [nisi] ⟨etsi⟩ von Velsen Exc[es] praeiud 41 (nunc dubitat)

2 pr [vel etiam constitutione] Wlassak(?) Krit Stud 116. 127 Pernice SZ 6 (1885) 299 Vassalli (?) Misc crit 1, 60 Pringsheim Kauf 149 n 1; SZ 42 (1921) 659 n 2
[et generaliter —] Berger Teilgskl 16 Biondi Ann Perug 1913, 370 (Legittimazione 4) Kr Dig adhl

§ 1 [§ 1] (?) Vassalli Misc crit 1, 60
[quia — fit] Vassalli l c Kr Dig adhl
[utile]; [necessarium] Vassalli l c
[utile] ⟨non⟩; [necessarium] Arangio-Ruiz Riv it sc giur 52 (1913) 224 ca Biondi Ann Perug 1913, 371 n 2 (Legittimazione 5 n 2)
[neque] heres [neque — possessor] ⟨non⟩ Biondi l c 7

§ 2 [§ 2] (?) Vassalli Misc crit 1, 60
[fortius —] Bonfante Stud Scialoja 1 (1905) 554 n 5 Kr Dig adhl Bes 2, 24 Arangio-Ruiz Riv it sc giur 52 (1913) 225 Vassalli l c ca Berger Teilgskl 23 Biondi Ann Perug 1913, 370 n 1 (Legittimazione 4 n 1)
[et ideo —] (?) Berger l c

§ 5 [procuratoremque] ⟨cognitoremque vel procuratorem⟩ Seckel s v procurator
[stetur — ut] (?); [alteri — eum] ⟨alterum cognitorem⟩ (?) Bes 3, 181

3 ⟨cognitorio aut⟩ procuratorio Lenel 190

4 § 1 [tantundem —] Pringsheim Festschr Lenel 281 n 6

§ 3 [$\overline{pp}$?] Bes 1, 41

5 [vel suffragio] Bonfante Lez propr (1910—1911) 87
[vel in —] Bes 1, 41 n
[aut —] Kr Dig adhl

D familiae erciscundae 10, 2

7 [non enim —] Bes 3, 115 Kr Dig adhl Guarneri Citati Obbl indivis 1, 259 (Ann Pal 9, 1921)
[id est aut — civitatem] gl? postumus. ⟨—⟩ non enim Betti D. 42, 1, 63 p 235

8 pr [nos — spectantia] Pampaloni Arch giur 55 (1895) 502 n 10
[nos —] Bes 3, 71 Kr Dig adhl

10 [quae — sunt] ⟨stipendiaria vel tributaria⟩ Lenel 632
[vel superficiaria] Bes 1, 103 Albertario peg superf 21 Riccobono Ann Pal 3/4 (1917) 512 n 2

12 § 2 [aut — relicta est] gl Kr Dig adhl Trib Vassalli Bull 27 (1914/15) 198; Studi Cagliari 8 (1916) 241

13 [13] Bes 2, 19 ca Wlassak Provinzialpr 32 n 46

16 pr [$\overline{pp}$ pr] Biondi Ann Perug 1913, 416 n 4 (Legittimazione 50 n 4)

§ 1 [non] (?) Pampaloni Bull 22 (1910) 115 n 7

§ 4 [ubi —] Kübler Krit Viert 52 (1914) 42 Biondi Ann Pal 10 (1925) 115

§ 5 [non minus — iudicio] Biondi l c

§ 6 [et communi — cessare] Biondi Iudicia b f 1, 109 n 1. 112 (Ann Pal 7, 1918) esse [familiae —] ⟨furti noxalem actionem⟩ Biondi Ann Pal 10 (1925) 119 sq et n 4

18 § 2 quaerit ⟨?⟩ Ferrini Dig Mil adhl
[agent, ut fiat] Riccobono Communio 89 Kr Dig adhl
[praescriptis verbis] ⟨—⟩ Girard Man [5] 591 n 2 Bes 2, 158
[idem tamen —] (?) Marchi Bull 16 (1904) 276 n 6 de Francisci Synall 1, 163
[$\overline{pp}$ § 2] Riccobono l c

§ 5 et ⟨cum⟩; [cum — etiam] ⟨totum solvisset,⟩; [habet] ⟨habiturum eum X scripsit⟩ Bes 3, 181. 188
[cum — actiones] Levy Konk 1, 225 n 4

20 pr [nam —] (?) Bes 2, 23

§ 1 [$\overline{pp}$ § 1] Dig Mil adhl
peculio ⟨patrem obligavit⟩ Berger Teilgskl 162
[et si de — praecipiet] (?) Arangio-Ruiz Riv it sc giur 52 (1913) 229

§ 2 [nec — praecipiet]; [matrimonii onus]; [quia —] Albertario Rend Lomb 58 (1925) 87
[tamdiu, quamdiu] ⟨quatenus⟩ Dig Mil adhl

§ 3 [praescriptis verbis] ⟨—⟩ Bes 2, 159

D familiae erciscundae 10, 2

20 § 3 [plane —] Rabel Grundz 514 n 1
[$\overline{pp}$ § 3] de Francisci Synall 1, 156

§ 4 [nisi causa cognita] Levy Konk 1, 130

§ 5 [sed — habeat] Mancaleoni Stud Sassar prima serie 2, 145 Kr Dig adhl
[uni —] Bes 2, 38. 108

§ 7 [familiae erciscundae] consequatur Collinet NRH 34 (1910) 163
[eique respondisse] ⟨aitque respondisse se⟩ Ferrini Dig Mil adhl

§ 8 [et verum —] Faber Rat adhl Kr Dig adhl

22 § 1 [vel — adsignet] Berger Teilgskl 95 n 3 Arangio-Ruiz Riv it sc giur 52 (1913) 229

§ 3 [alium] ⟨alii alium⟩ Hoffmann cf Dig Mil adhl

§ 4 [$\overline{pp}$ § 4] Savigny Syst 5, 89 n y Arangio-Ruiz Riv it sc giur 52 (1913) 233
[actiones] Lenel 2, 537 n 3 Kübler SZ 25 (1904) 449 ca Audibert Mél Appleton 35; NRH 28 (1904) 679
[id est —] Pernice SZ 19 (1898) 171 Kr Dig adhl Berger Teilgskl 103. 105 ca Audibert l c Bertolini App did 2, 1170 n 1 Fehr SZ 33 (1912) 578

§ 5 iudicium, [quae apud hostes est] gl Berger Teilgskl 208 Kr Dig adhl
[$\overline{pp}$ § 5] Biondi Bull 25 (1912) 271 Arangio-Ruiz Riv it sc giur 52 (1913) 233

23 [nisi —] Berger Teilgskl 208 Kr Dig adhl

24 § 1 [ceteros honorarios successores] ⟨eum qui restituit⟩ Berger Teilgskl 20
⟨utile⟩ familiae; [et inter bonorum possessores] et inter eum ⟨qui restituit et eum⟩; [et ceteros — successores] Biondi Ann Perug 1913, 374. 398 n (Legittimazione 8. 32 n)

25 § 6 [$\overline{pp}$ § 6] Bes 2, 19 ca Wlassak Provinzialproz 32 n 46
alicui ⟨per vindicationem⟩; [aut] ⟨ea pars, quae in hereditate remansit, in hoc iudicium venit. si alter⟩; [ad officium —] ⟨—⟩ Beseler SZ 46 (1926) 271

§ 8 [cum enim —] Bes 3, 62 Kr Dig adhl

§ 9 stipulatio, ⟨ex⟩; [quia — potest] Beseler SZ 46 (1926) 93
[pro parte hereditaria] ⟨quanti ea res erit⟩ Bonfante Obbl (1911—1912) 207; Arch giur 85 (1921) 148
[et, si —] Sorrentino Indice di giurispr del trib di Modica 7 (1903) 84
[sed verius —] Krüger SA Festschr Bekker 14 Guarneri Citati Obbl indivis 1, 46 (Ann Pal 9, 1921)
[sed] ⟨et ille scribit⟩; [est] ⟨esse⟩; in ⟨hoc⟩; [sed] ⟨nam⟩; oporte[t]⟨re. —.⟩ Beseler l c

D familiae erciscundae 10, 2

25 § 9 [$\overline{pp}$ § 9] de Francisci Stud Sassar ser sec 2, 222 Levy Konk **2**, 240 n

§ 10 [contra] Sorrentino Indice di giurispr del trib di Modica 7 (1903) 87 Beseler SZ 46 (1926) 93 ca Guarneri Citati Obbl indivis **1**, 52 (Ann Pal 9, 1921)
[nec dividitur obligatio] Guarneri Citati l c 53
[nec — igitur]; tenentur, ⟨ille recte scribit⟩ Beseler l c
[litis —] Binder Korr Obl 289 Kr Dig adhl
[igitur —] Perozzi Ist 2, 92 n 5 Kr Dig adhl
ca Berger Teilgskl **149** n **1** Bonfante Arch giur 85 (1921) 49 Guarneri Citati Obbl indivis **1**, 189 n 2 (Ann Pal 9, 1921)
conventus ⟨sit aut⟩ (?) Betti eff estint **17**
[pro parte]; [consequatur] ⟨amplius non petatur⟩ Betti lit aest 1, 52

§ 11 viam ⟨per damnationem⟩ Beseler SZ 46 (1926) 93

§ 12 [ne —] Bes 3, 64 Kr Dig adhl Schulz Einf 92 Guarneri Citati Obbl indivis 24 n. 96 n 1 (Ann Pal 9, 1921)
[in illa — coheredibus]; quo minus ⟨quis⟩; [solidum] ⟨eum solum⟩; [ne —] ⟨nulla cautione opus est . . . .⟩ Beseler SZ 46 (1926) 93

§ 13 [sive nondum —] Perozzi Ist 2, 92 n 5 Guarneri Citati Obbl indivis 1, 243 n 3 (?) (Ann Pal 9, 1921)
[quia] (?) Guarneri Citati l c
[ut de — aut] ut caveat ⟨unusquisque⟩ Bes 2, 113; 3, 9 ca Berger Teilgskl 150; Krit Viert 50 (1912) 405
[ut de — se]; [partem praestaturum] Schulz Einf 92 Kr Dig adhl Guarneri Citati l c 243 Beseler SZ 46 (1926) 93
[promittit] ⟨promisit⟩ Beseler l c

§ 14 [luendis] Beseler l c

§ 15 [cum hoc expediret] Guarneri Citati Obbl indivis **1**, 90 n 3 (Ann Pal 9, 1921)
[cum hoc expediret] ⟨magis est, ut⟩ id ⟨quod impendit⟩; [ne —] Beseler SZ 46 (1926) 93. 121
[legatorum nomine] ⟨legatario omnino⟩ Ferrini Dig Mil adhl

§ 16 [quoniam cum — in eum] Albertario Riv dir comm **21**, **1** (1923) 505 n **1**
[talem — rebus] Seckel s v diligens Litten Lo codi 626 n 1 Mitteis RPR **1**, 332 n 54 Rotondi Arch giur 83 (1909) 282 n 2 d Kr Dig adhl Guarneri Citati Obbl indivis **1**, 50 n **1** (Ann Pal 9, 1921) de Francisci Synall **2**, 407

D. familiae erciscundae 10, 2

25 § 16 [non tamen — rebus] Lusignani Resp 2, 106 Loncao Ann Pal 5 (1917) 89
[$\overline{pp}$ § 16] Kübler Utilitätspr SA Festg Gierke **17**; SZ 39 (1918) **175** Berger Teilgskl 131 Arangio-Ruiz Riv it sc giur 52 (1913) 229 sq Riccobono Ann Pal 3/4 (1917) 210 Bonfante Riv dir comm 18 (1920) 356 Landucci Quasi contratti (Corso dir rom 1921) 249

§ 19 [potest —] (?) Berger Teilungskl 138 Kr Dig adhl Arangio-Ruiz Riv it sc giur 52 (1913) 229 Guarneri Citati Obbl indivis **1**, 138 n (Ann Pal 9, 1921)

§ 22 [et magis —] Krüger SA Festschr Bekker 14

27 [In — ideo]; [alicuius] ⟨alterius⟩; [damnatio] ⟨condemnatio vel absolutio⟩; [ceterorum] ⟨alterius⟩ Bes SZ 45 (1925) 462

28 [pignori] ⟨fiduciae⟩ Arndts Pand § 366 Czyhlarz Haimerls Viert 3 (1861) 124 n 3 Oertmann Fiduc 34. **172** Kr (?) Dig Nov Suppl

29 Paulum de fiducia egisse putat Ubbelohde Realcontr 89 n 151
[hypothecaria vel Serviana] ⟨fiduciae⟩ Sintenis Pfandr 447 Bachofen Pfandr **1**, **196**. **205** n 28 Arndts Pand § 366 Dernburg Pfandr 2, 43 Windscheid § 233 a n **1** Eck Doppels Klagen 114 Oertmann Fiduc 43
[sed huius —] Siber Pass Leg 113 Biondi Iudicia b f 1, 58 n 1. 81. 132 (Ann Pal 7, 1918)
[$\overline{pp}$] Seckel s v Serviana Dig Mil adhl Fehr Pfandr 53 Naber Mnem 1910, 250 Berger Teilgskl 58 Bes **2**, 108 Betti Lit aest 1, 25 Schulz Einf 98 n 3 Ebrard Form hypoth 67 Kr Dig adhl Levy SZ 42 (1921) 500 n 6

30 [eorumque —] Albertario Fil 35 (1910) 856 (Appunti sul condominio di sepolcro 9) Kr Dig adhl

32 [datas actiones] ⟨mandatas actiones⟩ Fadda Dig Mil ⟨datas res et mandatas actiones⟩ Bonfante (?) Dig Mil

35 [filiam etenim —] gl Bes **2**, 37 ca Kübler SZ 39 (1918) 179 n 1
[dotis —] Tumedei distinzioni postclassiche 61 n

36 [$\overline{pp}$ 36]; [plane —] Berger Teilgskl 97 n 2

38 [adulti]; [curatores] ⟨tutores⟩; [non tamen — dimidiam] Solazzi Min età **129**; Cur impub 65 ca Lenel SZ 35 (**1914**) 159

39 pr [mortem] ⟨mortui necem⟩ Ferrini Dig Mil adhl

D familiae erciscundae 10, 2

39 pr [si idcirco — defensa esset]; [sed]; [agere —] Appleton Mél Fitting 1, 6 sqq Kr Dig adhl ca Bes 2, 19 Riccobono Ann Pal 3 (1917) 226 n 2
[si idcirco — defensa esset]; [sed —] Riccobono apud Notarbartolo Bull 20 (1908) 253 Kr Dig adhl Berger Teilgskl 187 Biondi Iudicia b f 1, 249 n 4 (Ann Pal 7, 1918)

43 [iudicem] ⟨praetorem⟩ Lenel 2748 Kr Dig adhl

44 § 1 [$\overline{pp}$ § 1] Keller Lit cont 116 n 6
sit ⟨iudicio imperio continenti⟩ Lenel 1740
sit ⟨iudicio quod imperio continetur⟩ Arangio-Ruiz Bull 32 (1922/3) 7
[adiudicationes —] Biondi Iudicia b f 1, 236 n (Ann Pal 7, 1918)

§ 2 [vel familiae —] Riccobono Communio 112 Kr Dig adhl
[vel familiae — iudicio] ⟨—⟩; [vel] Riccobono Ann Pal 3 (1917) 268
[$\overline{pp}$] Arangio-Ruiz Riv it sc giur 52 (1913) 232 n 1

§ 4 [et ideo —] Cuiac SZ 31 (1910) 167 Wissembach Embl 360 Sylloge 533 genuin Bertolini giuram 201 sq; Proc civ 2, 212 n 4 (App didatt 2, 2, 212 n 4)

§ 5 [non]; [cum —] Sorrentino Indice di giurispr del trib di Modica 7 (1903) 73 sqq ca Guarneri Citati Obbl indivis 1, 24 n 2 (Ann Pal 9, 1921)
[immo —] Perozzi Ist 2, 92 n 5 Guarneri Citati Obbl indivis 1, 188 (Ann Pal 9, 1921) ca Berger Teilgskl 243
[Titius]; [teneri — solum] Beseler SZ 46 (1926) 94

§ 7 [tam id — quam] Arangio-Ruiz Riv it sc giur 52 (1913) 231 n 2

§ 8 [esse iniquum] ⟨posse eum⟩; [iudicium dare] ⟨indicio consequi⟩; [boni viri arbitratu] ⟨sibi⟩ Riccobono Communio 92

45 § 1 [nisi —] Schulz Grünh Z 38 (1911) 54 Kr Dig adhl

46 [de dote] Kr Dig adhl [interim — institutionis]; [matrimonium] ⟨uxor in manu⟩; [igitur — sustinuit] Albertario Rend Lomb 58 (1925) 91 sq

47 [$\overline{pp}$ 47] (?) Redenti Arch giur 79 (1908) 32 n 1

48 [procuratorem] ⟨cognitorem⟩ Wlassak Cognitur 42 n 13 Koschaker Translatio 250 n 1 Duquesne Translatio 168 n 2 Kr Dig adhl

D communi dividundo 10, 3

49 [$\overline{pp}$ 49] Berger Teilgskl 141 Riccobono Riv dir civ 3 (1911) 44 n 2; Ann Pal 3 (1917) 211
[utilem ⟨negotiorum gestorum⟩ actionem; [deficiente — moretur] Partsch Neg gestio 1, 101 n 3
[vel conveniri]; [quodque admisit] Riccobono l c
[si autem — moretur] Arangio-Ruiz Riv it sc giur 52 (1913) 229
[primo videamus —] Haymann SZ 40 (1919) 226. 295 n 1. 309 n 1
[primo — et ideo] Beseler SZ 45 (1925) 462

50 [si non — ductus] Eisele SZ 18 (1899) 18 Kr Dig adhl Pringsheim SZ 42 (1921) 284. 313 Albertario Riv dir comm 21, 1 (1923) 500 n

51 pr [et impensarum —] Schulz Z 34 (1913) 104 n 2 Kr Dig adhl

52 § 2 [pensatione — facta] Bes 4, 200
[§ 2] Beseler SZ 46 (1926) 271

55 [totam]; [omnes res] ⟨totam rem⟩ Berger Teilgskl 99 n 4
[tam — paene] Albertario Bull 31 (1921) 15 n 1
[et divisio — videatur]; totam ⟨adiudicationem et⟩; [et —] Beseler SZ 46 (1926) 272

D communi dividundo 10, 3

1 [$\overline{pp}$ 1] Arangio-Ruiz Riv it sc giur 52 (1913) 234

3 pr [factumve] Betti Rend Lomb 49 (1916) 233
[$\overline{pp}$ pr] Biondi Bull 25 (1912) 270 Arangio-Ruiz Riv it sc giur 52 (1913) 236

4 pr [quarum — habemus] de Francisci Translatio 28

§ 2 [hoc — quare] Audibert NRH 28 (1904) 429 Biondi Iudicia b f 1, 222 (Ann Pal 7, 1918)
[hoc — est] Levy Konk 1, 129 n 3
[§ 2] Riccobono Ann Pal 3 (1917) 197 n 1

5 [et ex — nancisceremur] Erman SZ 11 (1890) 261 Pernice Labeo 2 [2] Abt 1, 424 n Kr Dig adhl de Francisci Translatio 28

6 pr [utili] Riccobono Ann Pal 3 (1917) 190. 195 n

§ 1 [$\overline{pp}$ § 1] Arangio-Ruiz Riv it sc giur 52 (1913) 241 Segrè Riv dir comm 12, 1 (1914) 1068 n

D communi dividundo 10, 3

6 § 1 [Titius] corr ⟨Titii iussu⟩ Kretschmar SZ 40 (1919) 163

§ 2 [et si — respiciat] Berger l c 190 Kr Dig adhl Grünwald diss Heidelberg 1912, 41 Arangio-Ruiz Riv it sc giur 52 (1913) 229 ca Biondi Iud b f 1, 224 n 6 (Ann Pal 7, 1918)
[hoc — locare] gl Grünwald l c
[et] si [quidem] — fecit [—]. hoc autem Riccobono Ann Pal 3 (1917) 185 n 2

§ 6 [sepulchrum] ⟨locum suum⟩ unicuique [in solidum]; [purum] ⟨communem⟩ Albertario Fil 35 (1910) 857 (Appunti 10) Kr Dig adhl
[in sepulchrum — purum] de Francisci Synall 2, 75

§ 7 aedibus ⟨communibus⟩ Ferrini Dig Mil adhl
[sed sufficere pro parte tua] Guarneri Citati Obbl indivis 1, 101 n (Ann Pal 9, 1921)

§ 8 [tradita] ⟨mancipata⟩ Lenel 640 Kr Dig adhl

§ 9 genuinam putat Riccobono Ann Pal 3 (1917) 183 n 3

§ 12 [hac causa] ⟨—⟩; [poenam] ⟨—⟩ Biondi Actt arbb 1, 197
[interfuit —] ⟨ex voluntate omnium opus fieret, quod si quidam ignorent, in solidum obligabitur, qui contra edictum praetoris fecerit⟩ Riccobono Communio 94 Kr Dig adhl Biondi l c Guarneri Citati Obbl indivis 1, 90 n 3 (Ann Pal 9, 1921)

7 [vicensimo] ⟨decimo nono⟩ (?) Berger Teilgskl 69

pr ⟨—⟩ [magis —] Berger Teilgskl 29 Kr Dig adhl Arangio-Ruiz Riv it sc giur 52 (1913) 232 Albertario Bull 31 (1921) 15 n 1

§ 1 [non vectigalem] Berger Teilgskl 31 Kr Dig adhl (?) Albertario Bull 31 (1921) 15 n 1

§ 3 [competit] ⟨dari debet⟩ (?) Segrè Foro it 32 (1907) 1, 1251 Kr Dig adhl
[in]debiti soluti [res] ⟨fiducia⟩ Keller apud Mo Dig 1, 324 n 3 Lenel 642; EP ² 206 n 5 Bremer Iurispr antehadr 2 Abt 2, 345 Oertmann Fiduc 45. 172 Kr Dig adhl Biondi Ann Perug 1913, 431 n 4 (Legittimazione 65 n 4)
[$\overline{pp}$ § 3] Collinet NRH 34 (1910) 163
[§ 3] Berger Teilgskl 68 ca Fehr SZ 33 (1912) 577

§ 4 [§ 4] Ferrini Pand 312 n 1 Suman Att Ven 76 (1916/17) 1624

D communi dividundo 10, 3

7 § 4 [precaria —] Segrè Foro it 32 (1907) 1, 1253
[quia —] Kr Dig adhl Donatuti Att Ven 80 (1920/21) 1076 n 1. 1104
[$\overline{pp}$ § 4] Berger Teilgskl 78 Rotondi Bull 30 (1921) 130 n ca Fehr l c 578

§ 5 quaedam a Trib deletá esse suspicatur Ubbelohde-Glück 43—44, 5, 135
[$\overline{pp}$ § 5] (?) Arangio-Ruiz Corso di istituzioni 1, 153
[nec — reddi] Segrè Foro it 32 (1907) 1, 1254
[deiecit] ⟨possidet⟩; [competere] ⟨dandum⟩ Naber Mnem 24 (1896) 169
[nam —] Perozzi Ist 1, 572 n 2 Biondi Bull 30 (1921) 28 n 2 (?) ca Berger Teilgskl 82 n 1
⟨non quidem⟩ competere interdictum inquit⟨, sed et eum, qui clam dicatur possidere ab adversario, impune deici⟩ Kniep Vac poss 470
⟨uti possidetis⟩ competere Pflüger Besitzkl 357

§ 7 [$\overline{pp}$ § 7] Biondi Ann Perug 1913, 421 (Legittimazione 55)
[et]; dari ⟨non⟩ Albertario A° comm div 1913, 22

§ 8 [est — gratia] ⟨sunt enim in possessione custodiae causa⟩ Berger Teilgskl 84
[est — possidendi] ⟨sunt enim in possessione⟩ Albertario A° comm div 1913, 14
[est — ergo] Biondi Ann Perug 1913, 436 (Legittimazione 70) Donatuti Att Ven 80 (1920/21) 1103 n 1 Kr Dig adhl (?)
[$\overline{pp}$ § 8] Arangio-Ruiz Riv it sc giur 52, 228 Solazzi Rend Lomb 49 (1916) 319

§ 9 [non] erit; [cum —] Arangio-Ruiz Riv it sc giur 52 (1913) 228, qui §§ 8 et 9 inter 4 et 5 ponendas censet
[§ 9] ⟨item et si duo missi sint in possessionem damni infecti⟩ Berger Teilgskl 84
[§ 9] Albertario A° comm div 1913, 14 n 2
[$\overline{pp}$ § 9] Biondi Ann Perug 1913, 438 (Legittimazione 70)

§ 10 [cum — agitur] Biondi Ann Perug 1913, 422 (Legittimazione 56)
[§ 10] Albertario A° comm div 1913, 23; Animus furandi (Pubbl Sacro cuor ser 2 vol 1 fasc 2) 17 n Kr Dig adhl (?)

§ 11 [quamvis —] Biondi Ann Perug 1913, 439 (Legittimazione 73) Kr Dig adhl (?)

§ 12 [$\overline{pp}$ § 12] Gradenwitz Itpp 98 Lenel 642 Kr Dig adhl Segrè Mél Girard 2, 578 n 1 Albertario A° quasi inst 7 n Betti

D communi dividundo 10, 3

7 § 12 Lit aest 1, 26 Solazzi Bull 30 (1921) 74 Levy SZ 42 (1921) 500 n 7
[et adsignetur —] Naber Mnem 38 (1910) 249

§ 13 [pignori] ⟨fiduciae⟩ Ubbelohde Realcontr 89 n 151 Biondi Legittimazione estr Ann Perug 1913, 63 Kr Dig adhl Haymann SZ 41 (1920) 71
[aut ab alio creditore alterius debitoris]; [eius cui res fuit adiudicata] Lenel apud Haymann l c
[emit] ⟨accepit⟩ Beseler SZ 45 (1925) 438
[quia haec — accessit] Bes 4, 121
[haec eadem —] Longo apud Scialoja Bull 14 (1901) 10 Kr Dig adhl

8 § 2 [forte —] gl? Berger Teilgskl 112 n 3 Trib? Arangio-Ruiz Riv it sc giur 52 (1913) 229 Biondi Ann Pal 10 (1925) 114 sq

9 [haec ita —] Bes 3, 74; 4, 69
[alioquin — debeat]; [haec — intervenerit] Kunkel SZ 45 (1925) 275 n 3

10 pr ⟨solidum⟩ praestat; [nascitur] ⟨nasceretur⟩ Betti Rend Lomb 49 (1916) 233

§ 1 [sed —] Berger Teilgskl 43 Kr Dig adhl
[quemadmodum —] ⟨non erit locus communi dividundo iudicio⟩ Arangio-Ruiz Riv it sc giur 52 (1913) 226 n 2
[in communi dividundo iudicio]; [sed —] Albertario A° comm div 1913, 26
[pp § 1] Biondi Ann Perug 1913, 423 (Legittimazione 57)

§ 2 [iusto pretio] Albertario Bull 31 (1921) 7 ca Levy SZ 43 (1922) 534

11 [in summa — quod] Grupe SZ 16 (1895) 314 n 1; 17 (1896) 317 Pringsheim Festschr Lenel 263
sumus ⟨—⟩ Bes 1, 55

12 [pp 12] HKrüger Grünh Z 25 (1898) 735 Berger Teilgskl 235 Arangio-Ruiz Riv it sc giur 52 (1913) 239
[aut interdicto —] Segrè composs 24 Pernice SZ 19 (1898) 173 n 3 Kr Dig adhl
[communi — aut] Bonfante Rend Lomb 46 (1913) 688
⟨—⟩ [communi —] Beseler SZ 43 (1922) 422
[vel in —] Riccobono Communio 81

14 § 1 [pp § 1] Riccobono Riv dir civ 3 (1911) 69
[quia bonae — dividundo] (?) Seckel s v exceptio Kr Dig adhl
[quia bonae — sed hoc] Audibert NRH 28 (1904) 304; 418

D communi dividundo 10, 3

14 § 1 [aequitate ipsius iudicii]; [quia bonae — dividundo] Biondi Iudicia b f 1, 220 (Ann Pal 7, 1918)
[et verius — expensae retineantur] Berger Teilgskl 212 Segrè Riv dir comm 12, 1 (1914) 1068 n
[quae cum ita — communione] Audibert NRH 28 (1904) 291
⟨sed impendia quae feci, dum fundum mihi communem esse cum alio quam sit puto, communi dividundo iudicio consequi possum.⟩ quae cum ita; dicitur [etiam]; etiam ⟨non⟩ manente Berger Teilgskl 216 ca Fehr SZ 33 (1912) 580
[aut communis — impendo], ⟨qua ex causa⟩ Betti Bull 28 (1914/15) 63
[igitur et si —] Pernice SZ 19 (1898) 175 n; Labeo 3, 248 n 4 Kr Dig adhl Bes 2, 20; 3, 105
scribit, [negotiorum gestorum actio] Cuiac recit solem ad tit Dig comm div in fine exordii Scialoja Dig Mil adhl Berger Teilgskl 217; Krit Viert 50 (1912) 414
[aequitate ipsius iudicii] ⟨aequitatis ratione exceptione doli opposita⟩; [quia bonae fidei iudicium est communi dividundo]; videndum est. ⟨et non est dubium, quin non possit.⟩; ⟨non⟩ ita ut ego; [et verius — specie expensae retineantur] ⟨⟨sed si cum existimaverim fundum esse mihi communem cum alio quam est, impendissem, constat impendia quae feci in iudicium communi dividundo venire; sicuti si fructus perceperim debere me eorum partem communi dividundo iudicio socio praestare⟩⟩; dicitur etiam ⟨si alienavero partem meam⟩; [etiam manente rei communione]; et in proposito ⟨possum communi dividundo iudicio reciperare a socio ea quae impendi, quamvis fundum esse mihi communem cum alio putarem⟩; [actio dari deberet] ⟨impendiorum nomine iudicium communi dividundo competeret⟩ dand[a]⟨um⟩; [negotiorum — actio] ⟨utile communi dividundo⟩ Riccobono Ann Pal 3 (1917) 170 cf Communio 78

§ 2 [huiusmodi — autem] Kalb RJ 8
[huiusmodi —] Segrè Riv it sc giur 8 (1889) 150 n 193
[§ 2] Riccobono Bull 6 (1893/94) 161; Communio 51 n 3; Riv dir civ 3 (1911) 52 Mitteis RPR 1, 254 n 74 Kr Dig adhl Segrè Riv dir comm 12, 1 (1914) 1068 n

D communi dividundo 10, 3

14 § 3 [quoque]; [eadem —] ⟨efficere potest, ut dividatur⟩ Bonfante-Glück 39, 3, 263 g
[quoque]; ⟨non⟩ summovebitur Riccobono Communio 51 n 3
[*pp* § 3] Segrè Riv dir comm 12, 1 (1914) 1067

15 [traderetur] ⟨mancipetur⟩; si ⟨noxae⟩ non Lenel 1113
[aget communi — praestet]; [statim —] Riccobono Communio 88 Kr Dig adhl Guarneri Citati Obbl indivis 1, 188 n 7 (Ann Pal 9, 1921)
[aget communi —] Biondi Ann Pal 10 (1925) 315

19 pr [quod — confunditur]; [arbor et lapis separatus] ⟨arbore vel lapide separato⟩; [confundit]; dominii⟨, quod erat finitis partibus, confunditur⟩ Beseler SZ 45 (1925) 438

§ 1 [quia —] Bes 2, 118 Kr Dig adhl

§ 2 [durius]; ⟨non⟩ posse Biondi Ann Perug 1913, 412 n 2 (Legittimazione 46 n 2)
[durius]; [sed —] Riccobono Ann Pal 3 (1917) 227

§ 4 [possunt iura] Riccobono Ann Pal 3 (1917) 228
[igitur —] Lenel 1741 Kalb JL [2] 70 Eisele SZ 13 (1892) 136 Perozzi-Glück 10, 159 n e Kr Dig adhl Bes 3, 105 Biondi Ann Perug 1913, 410. 415 n 1 (Legittimazione 45. 49 n 1) Riccobono l c
[*pp* § 4] Berger Teilgskl 51
[quod cum —] Albertario A° comm div 1913, 27

20 [iudicis] ⟨magistratus⟩ Lenel 591 Kr Dig adhl

22 [vel repetiturus — gratia] Pringsheim SZ 42 (1921) 323

23 [aut certe —] Pernice SZ 19 (1898) 173 n 3 Brugi Stud Scialoja 2, 141 de Francisci Synall 1, 78. 243
genuin Fadda Lezioni Napoli 1907 (Teoria d. proprietà) 118
[et puto —] Riccobono Communio 89 Kr Dig adhl

24 pr summam ⟨ex qua adquisitum fuerit pro parte recipere⟩ [percipere] Biondi Iudicia b f 1, 226 (Ann Pal 7, 1918)
[quia —] Gradenwitz Itpp 108 n 1 Audibert NRH 28 (1904) 427 Biondi l c ca Lenel EP [2] 203 n 1 Berger Teilgskl 180 Fehr SZ 33 (1912) 580

§ 1 [tradidisti] ⟨mancipio dedisti⟩ Lenel 118
[praetoria actione] (?) de Francisci Synall 2, 99 n 2

D ad exhibendum 10, 4

26 [per —] ⟨ex lege Aquilia agi posse⟩ Biondi Ann Pal 10 (1925) 116

28 [*pp* Sabinus — constat] Bonfante Rend Lomb 46 (1913) 683
[si, cum — praetermisit] Lenel SZ 12 (1891) 14 n 3
[sin —] Eisele SZ 8 (1887) 118 Fadda Studi Brugi 144 n 2 Bonfante Condominio 110 Albertario Contr crit Dig 35
[si, cum —] Berger Teilgskl 233 Arangio-Ruiz Riv it sc giur 52 (1913) 239
[sed etsi —] Segrè Riv it sc giur 8 (1889) 373 n 552 Perozzi Mél Girard 2, 377 Kr Dig adhl Bonfante l c Riccobono Communio 60. 80. 97; SZ 35 (1914) 288 Guarneri Citati Obbl indivis 1, 39 n (Ann Pal 9, 1921) ca Berger Krit Viert 52 (1914) 134
[quod si —] Riccobono Riv dir civ 3 (1911) 52

29 pr [*pp* pr] Pernice Labeo 3, 248 n 4
etiam ⟨utile⟩ communi Seckel s v sufficere ca Berger Teilgskl 218
[etiam]; [sufficere] Riccobono Communio 79 Kr Dig adhl [sufficere] Kann Klagenmehrh 77
⟨sed⟩ si quis; dicitur [— cuius socii] ⟨posse eum ea quae impendisset iudicio communi dividundo consequi . . . cetedim non alias communi dividundo iudicio locus erit, ut et Papinianus scribit. nisi id demum gessit, sine quo partem suam recte administrare non potuit⟩; denique [ea actione] ⟨eo iudicio⟩; competit nec ⟨si alienaverit partem suam⟩; [vel] ⟨quamvis existimet sibi cum Maevio communem esse rem, quam cum Titio communem habebat⟩; [et in persona labitur] ⟨et sicut negotiorum gestorum actio mihi datur adversus eum cuius negotia curavi, cum putarem alterius ea esse, ita et in proposito . . .⟩ Riccobono Ann Pal 3 (1917) 190. 203. 210
obliget [et] ⟨etsi⟩ Fadda cf Dig Mil adhl

31 omnium ⟨dominorum⟩ *ita fere* Ferrini cum gromaticis Dig Mil adhl

D ad exhibendum 10, 4

1 [*pp* 1] Bes 1, 33 Pringsheim Festschr Lenel 267. 268 n 1

3 pr [hac — et] ⟨demonstratione huius formulae actor debet⟩ (?) Bes 1, 34

§ 1 [nec debet ostendere], cum [multae] ⟨et aliae⟩ Bes 1, 34; 4, 86

D ad exhibendum 10, 4

3 § 2 [contumax] Betti Obbl rom 114
[ei —] Faber Bull 13 (1901) 224; 14, 279; cf Err dec 18 err 9 Kr Dig adhl Solazzi Arch giur 65 (1900) 152 Marchi Stud Scialoja 1, 170 n 1 Levy SZ 36 (1915) 66 n 2 Betti Lit aest 1, 58; Obbl rom 114
[§ 2] Bes 1, 34. 54 Pringsheim Festschr Lenel 249 genuin Bertolini giuram 222 sqq

§ 3 [Serviana sive hypothecaria] Fehr Pfandr 52
[$\overline{pp}$ § 3] (?) Erman Mél Girard 1, 451 ca Manigk RE s v hypotheca Arangio-Ruiz Riv it sc giur 52 (1913) 236
[§ 3] Bes 1, 9 Ebrard Form hypoth 68 Biondi Ann Pal 10 (1925) 29 n 1 (?)

§ 4 [§ 4] Albertario A° quasi inst 7

§ 5 [$\overline{pp}$ § 5] Beseler SZ 43 (1922) 424 n 1

§ 6 [vel quam aliam rem]; exhibitis ⟨omnibus servis hereditariis quem elegero⟩ Bes 1, 4
[vindicare] ⟨optare⟩ (?) Lenel Grünh Z 37 (1910) 527

§ 7 [dominus — vero]; [quia — tenet] Naber Mnem 30 (1902) 178 Kr Dig adhl
[§ 7] Bes 1, 2. 64. 100; 3, 74 ca Kübler Jur Literaturbl 1911, 225 Pissard Et Girard 1, 249 Biondi Ann Pal 10 (1925) 206 n 2

§ 8 [cum — competentia] Gradenwitz SZ 7 (1886) 67 Lenel 719 Kr Dig adhl
[si — competentia] Bes 1, 4; 2, 86

§ 9 [§ 9] Pernice SZ 14 (1893) 169 Kr Dig adhl Bes 1, 1. 30 Lenel SZ 37 (1916) 120 Biondi Bull 30 (1921) 235 Guarneri Citati Obbl indivis 1, 200 n 3 (Ann Pal 9, 1921)
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§ 3 [$\overline{pp}$ § 3] Bes 1, 18. 25

§ 4 [$\overline{pp}$ § 4] Bes 1, 18. 25

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[oportere —] ⟨absolvendum eum Pomponius scribit⟩ Bes 2, 138
§ 5 [restituit] ⟨exhibuit⟩ Bes 1, 16
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§ 7 [non male]; ⟨sub⟩iungit [eius — restitui] ⟨eum cum quo agitur utroque tempore possidere oportere⟩ Bes 2, 138 sq; idem hanc § inter § 3 et § 4 ponendam esse censet
8 [exhibere eam cogendus erit] ⟨non transfertur iudicium in heredem, sed heres suo nomine denuo conveniendus est. idem dicendum est, et si defunctus possederit⟩; eadem ⟨aliave⟩; [restituere cogitur] ⟨non transferetur iudicium⟩ Bes 1, 36
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9 § 4 [$\overline{pp}$ § 4] Pernice Labeo 2 [2], Abt 2, 72 n 3; 3, 203 n 5 Albertario A° qu inst 1912, 7 n
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§ 6 [plane —] Rotondi Ann Perug 1913, 307 (Dolus ex delicto 23)
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13 [titulo — causa] (?) Pringsheim Festschr Lenel 270 n 3
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15 dolo ⟨malo⟩ (?) Pernice Labeo 2 [2], Abt 1, 143 n 2
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15 etiam furti ⟨prohibiti⟩ (?) Lenel 657
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17 [exhibuit — exhibitio] Levy SZ 36 (1915) 57 n 7 Biondi Iudicia b f 1, 153 n 3 (Ann Pal 7, 1918)

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DIGESTORUM LIBER XI

ED.

FRITZ SCHULZ

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2 [2] Bonf Ist [8] 555 n 1 gl Lautner l c

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§ 11 [nisi — *fin*] De Medio Bull 18 (1906) 264 Kübler Festschr Gierke 2, 256 Albertario Arch giur 89 (1923) 258 n 1 Binding Normen 2[2], 2 703 n 65. 724 n 25. 750; SZ 39 (1918) 24 n 1 Lautner l c 56
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15 pr [quia — *fin*] Scaduto Ann Pal 8 (1922) 42. 71 ⟨non⟩ teneor; [dominii — *fin*] Beseler SZ 46 (1926) 122

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18 possit ⟨in iure interrogatus⟩ respondit Bremer iurispr antehadr 2, 2, 184

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2 inscr [secundo] ⟨duodecimo⟩ Levy SZ 37 (1916) 81

2 [quod — idonei] Arangio — Ruiz Bull 21 (1909) 247 ca Levy l c
[tutoribus] ⟨sponsoribus in provincia acceptis?⟩ Levy l c
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[tutoribus — idonei] ⟨heredibus tutoris unus prior⟩ convenitur ⟨deinde ceteri in ius vocantur⟩; [eo] ⟨pupillo⟩ Betti D 42, 1, 63 p 457 n

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1 § 1 tenebitur [quia] Noodt cum Bas Dig Mil adhl
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3 pr [et si] ⟨vel si⟩ Ferrini Dig Mil adhl

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14 § 9 [*pp* et verius — consequi] Kalb JL 59 Lusignani Bull 11 (1898) 31 n 1
[quod tamen — *fin*] Levy Konk 2, 35 n 1

16 [eis non constaret] ⟨eae non constarent⟩ van de Water Dig Mil adhl
[sed — *fin*] Mancaleoni Fil 26 (1901) 91 furti ⟨concepti⟩ Pampaloni Stud Sen 16 (1899) 216 n 13 Kr Dig adhl

17 [constante matrimonio] Levy Privatstr 125 n 3
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1 § 1 [sed et — *fin*] gl Dig Mil adhl

§ 2 [et ut inventos — *fin*] Albertario Delictum 63

§ 5 edictum ⟨aedilium curulium⟩ Bremer iurispr antehadr 2, 1, 143

§ 8a [idem — *fin*] Pernice Labeo 2, 1, 107 n 3 Lenel EP [3] 54 n 8
[proponant] ⟨proponantur⟩ Ferrini Dig Mil adhl

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1 pr [dolo] ⟨e domo⟩ Lenel Ulp 705 n 1

2 pr [pr] Bes 2, 50

4 § 1 item si servus ⟨vel filius familias⟩; dominum ⟨vel in patrem⟩ Pampaloni Stud Sen 16 (1899) 226
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1 pr [pr] Pernice Labeo 2, 2, 1 [2] 173 n 1 ca Levy Privatstr 56 sq
[*pp* non crediderunt — appellari] Kübler SZ 39 (1918) 209 n 6

§ 1 [visum — non est] Bes 3, 115 Albertario Fil 37 (1912) 522 ca Levy Privatstr 54 n 1 Kübler SZ 39 (1918) 209; 42 (1921) 534 [proinde — adhibuit] (?) Pernice Labeo 2, 2, 1 188 n 7
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[edicti] ⟨formulae⟩ Lenel Ulp 712 n 3; EP [3] 219

2 § 1 ⟨non⟩ teneberis Schulz Grünh Z 38 (1911) 53
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§ 3 [$\overline{pp}$ § 3] Heldrich Versch 36 n 2
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§ 5 [similibusque personis]; [similesque personas] Longo Bull 14 (1902) 159 De Francisci az pen 53 Kr Dig adhl

§ 6 [competat] Gradenwitz Königsberg Festg Schirmer 142 n 1 ca Levy Privatstr 61 n 1
[quamvis — *fin*] Rotondi Scr giur 2, 124 n 1 (Arch giur 83 (1909) 301 n 3); Scr giur 2, 180 n 1 (Bull 24 (1911) 26 n 1) Bonfante Obbl 130 n 1 Kübler SZ 39 (1918) 210 n 1 Biondi act nox 158 (Ann Pal 10, 1925)

4 [quia — *fin*] (?) De Francisci az pen 53 ca Levy Privatstr 59 n 1
[initium rei] gl Betti Rend Lomb 49 (1916) 241 n 1
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5 pr [erit — *fin*] Di Marzo Bull 15 (1903) 116 Litten Festg Güterbock 270 sq Bes 2, 93 Biondi actt arbb 1, 104 Pringsheim SZ 41 (1920) 255 n 4 Kr Dig adhl

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1 [$\overline{pp}$ 1] Bes 4, 263 Pringsheim Festschr Lenel 267

2 § 1 [quia — actione] Lenel Ulp 726 n 1 Bes 3, 99 ca Biondi actt arbb 203
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§ 4 [sed — *fin*] Taubenschlag SZ 38 (1917) 245 n 2

§ 5 [$\overline{pp}$ § 5] Taubenschlag SZ 38 (1917) 253

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[$\overline{pp}$ liberis — abstineant] Pernice Sakr 2, 1201 n 1 (S Ber Berl 1886)
[etiam filiis — emancipatis] Albertario l c 503 Kr Dig adhl
[etiam filiis] ⟨et filiis⟩ Lenel Ulp 729 n 1 Ferrini Dig Mil adhl [et] ⟨etiam⟩ Ferrini l c

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6 pr ⟨in hereditariis sepulchris⟩ idem ius concessum est ⟨—⟩ sive Kalb Jagd 22. 32
[exheredatis — licet] Albertario l c 503 Kr Dig adhl
[praeter — posteritatem] Kalb l c

7 pr [aut tollere — actionem] ⟨aut tollere id quod intulerit cogam aut quanti loci pretium erit in factum iudicium dabo⟩ Kniep Gaius 220
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§ 3 [qui — ducatur] gl Mo Dig Lenel Ulp 751 n 2 Dig Mil adhl De Francisci Rend Lomb 48 (1915) 295
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§ 10 [pp § 10] De Francisci Rend Lomb 48 (1915) 306
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14 § 11 [putat. puto — *fin*] Riccobono Ann Pal 3/4 (1917) 254
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§ 13 [ex causa] ⟨non⟩ Bes 1, 64; 3, 74
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§ 15 [pp § 15] De Francisci Fil 40 (1915) 25

§ 17 [ceterosque successores] Longo Bull 14 (1902) 160 n 1 Kr Dig adhl

16 [dat — actionem] Lenel Ulp 753 n 3 Kr Dig adhl
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[16] Beseler SZ 44 (1924) 391; 45 (1925) 455

18 [enim] De Francisci Leg pass n az fun 41
[18] Beseler SZ 44 (1924) 391

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20 pr [pp pr] De Francisci Leg pass n az fun 49 n
[est]; [tertiam — remanere]; [funeraria] ⟨hac formula⟩; [funerariam] ⟨hanc formulam⟩; [quia pacto — *fin*] Beseler SZ 44 (1924) 391
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§ 1 [pp § 1] De Francisci Leg pass n az fun 42
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28 [quod si — *fin*] Riccobono Riv dir civ 3 (1911) 44 De Francisci Leg pass n az fun 47 Guarneri Citati obbl indivis 1, 38 n 3 (Ann Pal 9, 1921) Beseler SZ 44 (1924) 391

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§ 1 [patrem — et] Beseler SZ 44 (1924) 391

31 pr [successores] ⟨heredes scripti?⟩ De Francisci Leg pass n az fun 37
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§ 2 [ceterisque successoribus]; [successores] ⟨heredes⟩ Longo Bull 14 (1902) 151 n 2 Kr Dig adhl

32 pr [deinde — *fin*] ⟨impensas ex hereditate retinebit⟩ Biondi Ann Pal 7 (1920) 250
[utilem — *fin*] Segrè Stud Brugi 398 n 2. 408 n 2 Riccobono Ann Pal 3/4 (1917) 254 De Francisci Fil 40 (1915) 20

§ 1 [quoniam — *fin*] Beseler SZ 44 (1924) 391

34 [inferendo — *fin*] ⟨mortuum inferre potest existente autem condicione legati locus religiosus non fit⟩ Vassalli Bull 27 (1914) 200 ca Beseler SZ 43 (1922) 551

35 [$\overline{pp}$ minime — venerit] Eisele Beitr 243

37 § 1 [testator] gl; [iusserit] ⟨iusserint⟩ *Βασῆς* Adn 174

38 [aut ossa] Taubenschlag SZ 38 (1917) 253

41 [cum extranei — *fin*] Bonfante Ist [7] 285 n 2 (§ 95) Guarneri Citati Ann Pal 11 (1923) 320 n
[maxime — *fin*] Taubenschlag SZ 38 (1917) 247

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42 [monumentum memoriae — factum] gl Lenel Flor 12 n 6 Schulz Einf 21
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43 [nam si — aget] Taubenschlag SZ 38 (1917) 246
[qui de iure domini quaeritur] De Francisci Trasferimento 76 n 3
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44 [cum autem — *fin*] Taubenschlag SZ 38 (1917) 252 n 3

45 [semper — etiam] Biondi Ann Pal 7 (1920) 250

46 pr [$\overline{pp}$ pr] Lenel Scaev 139 n 7
[et gratificatione — *fin*] Bes 4, 79

§ 1 [pro — *fin*] De Francisci Fil 40 (1915) 22 n 1

§ 2 [$\overline{pp}$ § 2] De Francisci Fil 40 (1915) 22 n 1

§ 3 [$\overline{pp}$ § 3] De Francisci Rend Lomb 48 (1915) 298

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1 § 10 [id agit] ⟨facit⟩ Bes 3, 98

2 lex regia ⟨fas esse⟩ Ed Fränkel Hermes 60 (1925) 426

3 pr [nisi — *fin*] Albertario a° e interd (Pavia 1911) 12 sq; Riv it sc giur 56 (1913) 36

§ 1 [si ab — *fin*] Albertario a° e interd 12 sq

4 [tribui] ⟨tribuitur⟩ Ferrini Dig Mil adhl

5 § 1 [$\overline{pp}$ § 1] Bes 1, 99 Rotondi Scr giur 1, 474

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ED.

ERICH-HANS KADEN

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1 pr [pr] Pringsheim Festschr Lenel 268

§ 1 [quoniam — complectitur nam] Pringsheim l c
[quoniam — inseruit] de Francisci Synall 2, 425 cf 2, 395 sq

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1 § 1 [omnes — complectitur] de Francisci l c
[$\overline{pp}$ ideo sub — *fin*] Segrè Stud Fadda 6, 341 n 1 ca Lenel 755
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1 § 1 [nam cuicumque — dicimur] de Francisci l c
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quid ⟨eandem rem⟩ Pringsheim l c 268
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2 pr erit ⟨aut fiducia⟩ aut Ubbelohde Realcontr 57

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[quam specie] gl Ferrini Dig Mil adhl

§ 2 [et ideo] ⟨nam⟩ Beseler SZ 45 (1925) 462

§ 3 [§ 3] (?) Brassloff Wiener Studien 36 (1914) 350
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§ 4 [*pp* § 4] Schlossmann Grünh Z 9 (1882) 546 n 69
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§ 5 [*pp* § 5] Perozzi Mem Bol 10 (1915/16) 66 n Rotondi scr giur 3, 476 n 1 (= Ann Perug 31 (1919) serie 4ª, 1) de Francisci Synall 2, 333 sq
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4 inscr [trigensimo] ⟨quadragensimo⟩ (?) Pernice Labeo 2, 2, 100 n 3 Kr Dig adhl

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4 § 1 [nam si — *fin*] Biondi Ann Pal 7 (1918) 109 n 1

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5 [non solum] Donatuti Ann Perug 33 (1921) 472
[sed etiam — *fin*] Haymann SZ 40 (1919) 182 n 5 ca Genzmer SZ 44 (1924) 139 Donatuti l c

6 [quatenus — *fin*] Bes 4, 126 de Francisci Stud Perozzi 328

7 [*pp* 7] Kerr Wylie Solidarity 255

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11 pr [distinctio — *fin*] gl *aut* T Koschaker Ger Ztg Sonder Nr Schey
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20 [*pp* 20] Riccobono Ann Pal 3/4 (1917) 601 n 2 Pringsheim SZ 42 (1921) 663 de Francisci Synall 2, 515
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22 fuisset (lin 24) ⟨si non quanti tunc fuisset⟩ Mommsen Jur Schr 2, 121 (aliter in ed Dig mai)

23 [*pp* 23] Pernice Labeo 3, 237 n 4
[posse — condicere] Pflüger Cic p Rosc 33. 50. 87
te [mihi]; [condicere] ⟨in factum actione consequi⟩ Betti Att Tor 51 (1915/16) 1042

24 [*pp* 24] Marchi Stud Scialoja 1, 169 Stintzing Beitr 57
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24 3, 225 n 2 Lenel EP [2] 227 n 1. 2360 cf Pernice SZ 13 (1892) l c
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26 [$\overline{pp}$ 26] Rotondi (?) Scr giur 1, 478 Bes 4, 89 Bonfante Ist [8] 397 n 2
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27 [$\overline{pp}$ 27] Solazzi Mem Mod s 3 v 11 (1914) 237 sqq
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28 [idoneum pignus] ⟨idoneam fiduciam⟩ (?); quam [pignus] ⟨fiducia⟩ (?) Oertmann fiduc 35

29 [29] (?) Solazzi Riv it sc giur 49 (1911) 58
[$\overline{pp}$ 29] Mitteis Jher Jb 39 (1898) 169
[posse dici — condici ei posse] Pflüger Cic p Rosc 75 Freudenthal Entwicklungsgesch 38
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30 [ne — *fin*] Riccobono SZ 43 (1922) 292. 317

31 § 1 [$\overline{pp}$ § 1] Pflüger Cic p Rosc 81
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[et hoc — est nam et] ⟨sed⟩ Huvelin furt 637
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32 inscr [quinto] ⟨sexto⟩ Lenel 42
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[non quia — *fin*] Perozzi obbl 102 n
[non quia — credidi]; [hoc enim — non potest] gl; [sed quia — *fin*] Perozzi ist 2, 289 n 2 Stella Maranca Celso 33
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[pecunia mea quae] ⟨quae pecunia a me⟩ Kr Dig adhl

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32 pecunia mea ⟨ex causa⟩; quae ⟨iure non valuit⟩ Betti Bull 28 (1915) 49
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35 [nominum] ⟨nominis⟩ Scialoja Dig Mil adhl

36 [cum — spopondisti si] Kaden SZ 44 (1924) 174. 180 n 4. 184 n 4. 185 Koschaker Bedingte Novation 5 ca Kübler SZ 46 (1926) 387
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[etiam] Vassalli l c
[etiam si]; [permaneat] ⟨permanet⟩ Kaden l c
[pendente — *fin*] Vassalli l c Kaden l c Koschaker l c

37 [quamvis — ignorent] Bes 2, 70 de Francisci Synall 2, 409 n 2

40 [$\overline{pp}$ 40] Guarneri-Citati Ann Pal 11 (1924) 256 n 2 Bohaček Ann Pal 11 (1924) 372 Kübler (?) SZ 46 (1926) 386
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[moram fecit] ⟨pacto convenit⟩ Guarneri-Citati Bull 32 (1922) 269
[et si — *fin*] Siber l c
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optinuerit [tamen]; [non] committetur; [non enim — *fin*] ⟨sed promissor exceptione uti poterit⟩ Guarneri-Citati l c Koschaker Bedingte Novation 8
potest sed ⟨quemadmodum⟩ quantitatem Lenel l c
potest sed ⟨secus est si⟩ quantitatem Scialoja l c

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40 fructibus ⟨cum pro praede litis et vindiciarum stipulemur⟩ Lenel l c; SZ 34 (1913) 380 Seckel s v „praes"

41 [*pp* 41] Buckland Slavery 333 Rotondi Scr giur 3, 105 (= Bull 30 (1920) 11)
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1 [*pp* 1] (?) Seckel s v „remedium"; s v „religio"
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4 inscr [octavo] ⟨nono⟩ Lenel 275; EP ² 145 n 3

5 § 2 § 2 et § 3 transponenda esse putat Kr Dig adhl
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§ 3 § 3 et § 2 transponenda esse putat Kr Dig adhl
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6 inscr [nono] ⟨octavo⟩ Haloander Dig adhl Bluhme ZGRW 4 (1820) 427 Lenel 275; EP ² 145 n 3

7 [*pp* 7] de Francisci trasferimento 166. 270

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7 [de qua — fuerit] T *aut* gl Gradenwitz SZ 8 (1887) 275 ca Lenel 668 n 3

8 [8] Longo Bull 15 (1903) 282 de Francisci trasferimento 166. 270

9 pr [id — ambigitur] gl Bes 1, 80; 2, 25
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§ 1 [dari sibi oportere] T *aut* gl Lenel EP ² 146 n 2

§ 3 quia ⟨et⟩ Kr Dig adhl
[quia — *fin*] Gradenwitz SZ 34 (1913) 258 cf Guarneri-Citati Bull 34 (1925) 184 n 4

§ 4 [*pp* § 4] Debray Mél Girard 1, 299
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§ 5 [mox — *fin*] (?) Guarneri-Citati Ann Pal 11 (1924) 267
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§ 6 [procuratoris] ⟨cognitoris⟩; [procurator] ⟨cognitor⟩ Mühlenbruch Zess ³ 70 n 145 Lenel 671 n 1. n 2
[procurator]; [quae — *fin*] PKrüger Festg Bekker 18; Dig adhl

11 pr suam esse ⟨ex iure Quiritium⟩ Huschke Publ Kl 53

§ 1 [in factum] de Francisci Synall 2, 147
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§ 2 esse ⟨ex iure Quiritium⟩ Huschke Publ Kl 53
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§ 3 esse ⟨ex iure Quiritium⟩ Huschke Publ Kl 53

12 aliquid corruptum esse censuit Rechnitz Iulian 22

13 pr [multum — *fin*] Biondi giur dec 119

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13 § 2 [$\overline{pp}$ § 2] Collinet NRH 34 (1910) 161 Perozzi Ist 2, 299 n Freudenthal Entwicklungsgesch 35
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[numquid — *fin*] Bes l c
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§ 3 [et si — *fin*] Eisele SZ 18 (1897) 19 Pringsheim Kauf 141 n 6

§ 4 fecisse ⟨se⟩ Kalb RJ 97

§ 5 [pignori] ⟨fiduciae⟩ Biondi Ann Pal 7 (1918) 165
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[quae non — *fin*] Beseler SZ 45 (1925) 453

14 [cum iurat — non oportere] Stintzing Beitr 45 ca v Mayr SZ 24 (1903) 266

15 [ad — egregias] Cuiac adhl
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16 [$\overline{pp}$ 16] Biondi giur dec 49 n 1

17 pr [extra iudicium] Demelius Schiedseid 49, 139 Gradenwitz SZ 8 (1887) 275 Lenel 278 Seckel s v „iudicium" 1 b

§ 2 [$\overline{pp}$ § 2] de Francisci Arch giur 86 (1921) 261 Albertario Stud Pavia 6 (1921) SA 14
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§ 3 [$\overline{pp}$ § 3] de Francisci Arch giur 86 (1921) 261 Frese Mél Cornil 1, 338 n 3
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18 [$\overline{pp}$ 18] gl (?) *aut* π (?) Bes 2, 19
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[sive enim . . . . sive] ⟨si enim⟩ Lenel l c Bertolini l c Seckel s v „liquidus"
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19 inscr [sexto] ⟨secundo⟩ Bluhme ZGRW 4 (1820) 428 Lenel 674 n 3

20 [si — *fin*] Pernice Sakr 2 (= SBer Berl 1886) 1172 n 4

23 [indulgenda — *fin*] ⟨non dabitur⟩ Bes 3, 115 ca Biondi giur decis 55 n 1 Kübler SZ 42 (1921) 534
[adversarius] Guarneri-Citati obbl indivis 1, 136 n 3 (Ann Pal 9, 1921)

24 [$\overline{pp}$ 24] Biondi giur decis 104 n 1 Seckel s v „religio"
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25 [$\overline{pp}$ 25] Biondi giur decis 104 n 1 Pringsheim Festschr Lenel 226 n 1
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26 § 1 [sed et pater — *fin*] Naber Mnem 37 (1909) 294 n 1

§ 2 [§ 2] Bes 3, 128

27 [loco — cedit] ⟨in locum solutionis non cedit⟩ Bes 4, 175

28 § 1 [$\overline{pp}$ § 1] (?) Segrè lezioni dir rom 1921/2, 343
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§ 3 [quoque — *fin*] ⟨non proderit⟩ Bes 4, 174

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31 [$\overline{pp}$ 31] Guarneri-Citati obbl indivis **1, 38** n **3** (Ann Pal **9**, 1921)
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33 [licet — delatum est] Ferrini Bull **14** (1903) 218 Seckel(?) s v „respectus"; „solemnis" Albertario Dir agli alimenti 32 n 2
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34 pr [$\overline{pp}$ pr] Giffard NRH 29 (1905) 471 n 1
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§ 1 [si — *fin*] Gradenwitz Itpp 162 n **1** Lenel 757 n 4

§ 4 [$\overline{pp}$ § 4] Wissembach Ex 754 sec Biondi i tribonianismi da Wissembach 8

§ 5 [§ 5] Demelius Schiedseid 143 Lenel 761 n 6
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§ 6 [eum — cogam] Lenel EP [2] 229
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34 § 6 [iusiurandum] ⟨certam pecuniam creditam⟩ Biondi giur decis 25
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§ 7 [$\overline{pp}$ § 7] Gradenwitz SZ 8 (1887) 277 ca Biondi giur decis 43 n 3
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§ 8 [§ 8] Faber rat adhl; coni 16, 12; def 4, 1, 19 n 13 Gradenwitz SZ 8 (1887) 276 Lenel 762 n 8; EP [2] 230 Biondi(?) actt arbb 51 Seckel s v „consonare" Bes 2, 63
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§ 9 [§ 9] Faber(?) rat adhl Savigny(?) Syst 7, 79. 80 Gradenwitz SZ 8 (1887) 276 Lenel 763 n 1; EP [2] 230 n 3 Biondi(?) actt arbb 51
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§ 1 [idemque — *fin*] Tichelaar Rechtsg Mag 12 (1893) 32
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36 [exceptione utetur] ⟨actio denegabitur⟩ Biondi giur decis 69
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[nisi — *fin*] Kr Dig adhl
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37 [actio] ⟨et retentio et actio?⟩ Lenel 961 n **1** ca Biondi giur decis 37 n 2. 56 n 3.
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38 [38] Biondi giur decis 70
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39 [$\overline{pp}$ 39] π Rechnitz Iulian 71

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3 [nisi — *fin*] Faber coni 16, 13; error 17, 9 Biondi dottr act arbitr 49 Levy SZ 36 (1915) 63 n 2 ca Bertolini giuram 237

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[plane interdum et] ⟨aliter⟩ Betti lit aest 17. 18
[iudicii] ⟨iuris⟩ Kr Dig adhl
[in litem — est] ⟨servatur, cum culpa debitoris res non possit restitui⟩; decesserit ⟨tunc enim ad tempus morae erit referenda aestimatio⟩; sine ⟨huiusmodi⟩ Betti l c
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[exhiberet] ⟨haberet⟩? Pernice Labeo 2, 2, 1, 68 n 3
[quo casu — posse] (?) Bremer jurispr antehadr 2, 2, 137

16 inscr [tertio] ⟨octavo⟩ Lenel 73 Appleton NRH 30 (1906) 740 Scialoja Bull 19 (1907) 163 sqq Kr (?) Dig adhl ca Brini Rend Bol 2 (1908/9) 56 Stella Maranca Celso 19
[$\overline{pp}$ 16] Rabel Grundz 469 n 4 de Francisci Synall 1, 126; 2, 233
[pecuniam] ⟨Pamphilum⟩ (ter) Appleton l c 768 Girard (?) manuel 579 n 1
⟨rem⟩ Appleton NRH 31 (1907) 102. 103 Girard (?) l c 625 n 1 Kr Dig adhl ca Brini l c 59 Scialoja l c Kübler SZ 28 (1907) 418 Schloßmann SZ 29 (1908) 310 Appleton Rev gén 36 (1912) 481 sqq. 493 cf Stella Maranca l c
mihi Stichum ⟨mancipio⟩ Schloßmann SZ 24 (1903) 189 ca SZ 29 (1908) 310 Erman SZ 25 (1904) 467 Appleton NRH 30 (1906) 759 cf Stella Maranca l c
[utrum — et ideo] Beseler SZ 45 (1925) 462
[id — venditionis est] Perozzi ist 2, 218 n 1 Bes 2, 162 n 1 ca Ferrini Pand 676 n 2 cf Stella Maranca l c
[pro portione] ⟨proportione⟩ Schloßmann SZ 24 (1903) 190 n 1 Erman l c Appleton NRH 30 (1906) 741 n 2 Scia-

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16 loja l c Bekker SZ 30 (1909) 56 Seckel s v „proportio" Huvelin furt 779 n 5 cf Stella Maranca l c
[obligatio] ⟨actio⟩ Perozzi obbl 103 n
[$\overline{pp}$ in — sum] Scialoja l c 180 ca Bekker l c cf Stella Maranca l c
[$\overline{pp}$ et ideo — *fin*] Schloßmann SZ 29 (1908) 320
[et ideo — dares] Manns Poenitenzr 48 quod [ideo]; [ut mihi — *fin*] Bes l c
[finge — *fin*] Perozzi ist 2, 218 n 1 Appleton sec Scialoja l c 177 ca Scialoja l c Ferrini l c cf Stella Maranca Celso 20
[tamen] ⟨tantum⟩ Schloßmann SZ 24 (1903) 189 ca SZ 29 (1907) 310 Erman l c
[tradidisse] ⟨mancipasse⟩ Lenel l c Appleton NRH 30 (1906) 759 Schloßmann SZ 29 (1908) 322 Appleton Rev gén 36 (1912) 481 sqq. 510 Kr Dig adhl Seckel-Levy SZ 47 (1927) 131 ⟨mancipasse (aut) mancipio dedisse⟩ Scialoja l c Kübler l c ⟨mancipio dedisse⟩ Voigt cond 682 cf Stella Maranca l c 19
[accipientis non feceris] Scialoja l c Schloßmann SZ 29 (1908) 322 ⟨non mancipaveris⟩ Schloßmann SZ 24 (1903) 189 cf Stella Maranca l c 19 ca Erman l c
[et rursus — *fin*] Schloßmann SZ 29 (1908) 323
[et pro — vis] Appleton l c Haymann SZ 41 (1920) 68
[pro — promittere] ⟨mancipare eum⟩ Lenel l c Schloßmann SZ 24 (1903) 189 ⟨satisdare secundum mancipium⟩ Pernice Labeo 2, 1, 295 n 1 Kübler l c 422 Scialoja l c Seckel-Levy l c ⟨mancipio eum dare⟩ Pernice Labeo 3, 303 n 3 cf Erman SZ 25 (1904) 467 Stella Maranca Celso 20
[pro — eius] Kr Dig adhl
[non liberaberis quo minus] ⟨non libuaveris ut non prohibear⟩ Schloßmann SZ 24 (1903) 189 ca SZ 29 (1908) 310 Erman l c Appleton NRH 30 (1906) 759 Scialoja l c Stella Maranca l c 21

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rubr [rubr] Cuq inst 2, 499 n 1 Jörs Röm Priv R 173 n 3

in **tit 12, 5** verba „condictio incerti" et „incerti condicere" vix esse T[i] putat Kalb Woch Kl Phil 1905, 900; JBer klass Alt 134, 95

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2 § 1 [$\overline{pp}$ § 1] Pernice Labeo 3, 230 n 1
[mihi redderes] Best rat emend leges 90

4 pr [idem] ⟨item⟩ Scialoja Dig Mil adhl

§ 3 [sed nova — *fin*] Heck Arch z Pr 124 (1925) 42

6 [$\overline{pp}$ 6] Pflüger SZ 32 (1911) 173; Cic p Rosc 58 Stella Maranca Celso 36

8 [quoniam — autem] ⟨nam⟩ Bes 4, 202
[propter — inanis] Guarneri-Citati Ann Pal 11 (1923) 244 n 3
[et ideo — *fin*] Messina Vitrano Ann Perug 33 (1921) 592; disciplina romana 12 Beseler SZ 45 (1925) 462
[tametsi — *fin*] Bes 4, 202 gl de Francisci Synall 1, 139

9 pr [condictione] gl ⟨commodati actione⟩; [recte]; [responsum — *fin*] gl Bes 4, 254 ca Levy Konk 2, 55 n 2

§ 1 [$\overline{pp}$ § 1] Pernice Labeo 3, 129 n 1
[mandatam]; [mandati] Keller sec Kr Dig adhl
[mandatam] ⟨commendatam⟩ Eisele SZ 30 (1909) 112 [mandatam] ⟨fiduciae causa tibi mancipatam⟩ Bes 4, 254
[mandati] ⟨commendato⟩ Eisele l c
[mandati] ⟨fiduciae⟩; [dumtaxat] Bes l c

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in **tit 12, 6** verba „condictio incerti" et „incerti condicere" vix esse T[i] putat Kalb Woch kl Phil 1905, 900; JBer klass Alt 134, 95

1 § 1 [per hanc actionem] (?) Vassalli Stud Sen 30 (1914) 27

2 pr [$\overline{pp}$ pr] Bes 3, 72
si quis ⟨legatum per damnationem certum relictum⟩ Eisele SZ 35 (1914) 33 sq
[vel — emerserit] Lenel 2544; Festg Jhering 39 Pernice Labeo 3, 247 n 2 Bremer iurispr antehadr 2, 1, 528 Koschembahr-Lyskowski cond 1, 137 Perozzi obbl rom 101 n de Francisci Synall 2, 348. 374
[emerserit] Kalb JL 76 n 2

§ 1 [$\overline{pp}$ § 1] Vassalli Stud Sen 30 (1914) 38 n 1
[vel irritum — ruptum]; [repetetur — nam] Bes 4, 47 Eisele (?) SZ 35 (1914) 35 n
[vel si — sunt] Lenel 2545 Bes 3, 45 de Francisci Bull 27 (1914) 22 (?) Eisele l c 35 sqq
prolati ⟨sint⟩ Scialoja Dig Mil adhl
[circa — testamentum] Bes 3, 45; 4, 47

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3 [quem heres — ignorabat]; [quem pater — praesumpserat]; [scilicet — *fin*] Gradenwitz(?) SZ 7 (1886) 78 Kr Dig adhl Bes 4, 25
'genuin' (?) Seckel s v „praesumere" 3

6 pr [$\overline{pp}$ pr] Beseler SZ 46 (1926) 141 n
[sit] ⟨est⟩ Donatuti Bull 33 (1923) 174

§ 1 [et dominus — habeat] ⟨a procuratore⟩ Beseler SZ 46 (1926) 141 n

§ 2 [§ 2](?) Bes 4, 53
[$\overline{pp}$ § 2] Frese Mél Cornil 1, 373 n 2
[neque — considerari] Beseler SZ 45 (1925) 462; SZ 46 (1926) 141 n
[considerari] ⟨desiderari?⟩ Solazzi Rend Lomb 57 (1924) 314 n (315)
indebitum ⟨procurator⟩; [ideo — ideo] Beseler SZ 45 (1925) 462
procuratore ⟨commandatum sit⟩ Solazzi l c

8 inscr [sexto] ⟨septimo⟩ (?) Lenel 1744

11 inscr [quinto] ⟨sexto⟩ (?) Lenel 2801
[$\overline{pp}$ 11] Solazzi Bull 20 (1908) 13
[actum] ⟨actio⟩ Naber Mnem 37 (1909) 293 n 7

13 pr [naturaliter — et ideo] ⟨quod servus debet⟩ Siber nat obl 34
manumissus ⟨vel⟩ Lenel 1820 Bonfante Dig Mil adhl
[ex — habeat]; [et pignus — tenebitur] Gradenwitz Festg Schirmer 171 gl Kr Dig adhl

§ 1 [et — est] di Marzo Circolo giuridico 32 (1901) 356 Albertario Rend Lomb 46 (1913) 864 Suman Fil 39 (1914) 324 Bonfante Ist[8] 383 n 2 Siber nat obl 45 Pringsheim SZ 35 (1914) 329; SZ 46 (1926) 360 n 6 Kr Dig adhl

14 detrimento ⟨et iniuria⟩ Riccobono Riv dir civ 3 (1911) 57 n 3

15 pr [$\overline{pp}$ pr] Biondi Ann Pal 7, (1918) 53 n
[indebiti — naturalis est] Pflüger Cic p Rosc 67 n 106
[indebiti — ideo] Perozzi ist 2, 24 n 2 Biondi l c 230 n 3
[ideo] ⟨inter omnes homines consistit⟩ Siber nat obl 2

§ 1 [$\overline{pp}$ § 1] Rotondi scr giur 3, 227 n 1
[sint] ⟨sunt?⟩ v Mayr Cond 220
[condictio] ⟨interdictum utrubi⟩ Pflüger SZ 18 (1897) 106 ca Koschembahr-Lyskowski Cond 2, 189
condictio ⟨ipsorum⟩ Betti Bull 28 (1915) 83
[ut — *fin*] Perozzi Ist 2, 288 n 2
[ut — condicerem sed et] v Mayr l c ca HKrüger SZ 21 (1900) 424

D de condictione indebiti 12, 6

15 § 1 ut ⟨vel tantundem?⟩ Kniep Besitz 388
[alicuius rei] ⟨mancipi rei⟩ Naber Mnem 22 (1894) 435 ⟨fundi tributarii vel stipendiarii?⟩ Seckel (?) s v „per" 2; s v „possidere" i f
tradidissem ⟨rem⟩ Betti l c
[condicerem] ⟨interdicerem⟩ Pflüger l c
[fecissem] ⟨fecisses⟩ van de Water Dig Mil adhl
[possessionem tuam] ⟨possessione tuam⟩; [ita ut — non possit] Naber l c
[per — *fin*](?) Trampedach SZ 17 (1896) 107
[per — praescriptionem] ⟨per maiorem partem huiusce anni?⟩ Pflüger l c ⟨interdictum utrubi⟩ Kr Dig adhl ca Partsch l t praescr 20
[etiam — *fin*] Pflüger l c v Mayr l c ca HKrüger l c
[indebitam] (?) v Mayr SZ 25 (1904) 218 n 5

17 [nam] de Ruggiero Bull 15 (1903) 18 Cornil Mél Girard 1, 205 Stella Maranca Celso 156

19 pr [naturalis — et ideo] Suman Fil 39 (1914) 338 n 1 Siber nat obl 60 Pringsheim SZ 46 (1926) 360
[pr] Vassalli Stud Sen 30 (1914) 48 Arangio-Ruiz Corso di istituzioni 1, 312 n 1

§ 1 [is qui] ⟨quis⟩ Bonfante Dig Mil adhl
[quamvis enim — *fin*] gl Hal sec Kr Dig adhl Βασῆς Adnot 175

§ 4 [quia — *fin*] gl Kr Dig adhl Stella Maranca Celso 37

22 § 1 [$\overline{pp}$ § 1] Benigni Arch giur 75 (1905) 319
[tradidi incerti] ⟨mancipio dedi fundum⟩ Betti Bull 28 (1915) 77
[tradidi] ⟨mancipavi⟩ Lenel 692 v Mayr Cond 222; SZ 25 (1904) 218 n 6. n 7 Pflüger SZ 18 (1897) 85
[incerti condicam] Perozzi ist 2, 288 n 2
[incerti] Naber Mnem 20 (1892) 195 Trampedach SZ 17 (1896) 142 Pflüger l c v Mayr l c ca Kniep Besitz 395. 401 Kalb Woch kl Phil 1905, 900; JBer klass Alt 134, 95
mihi ⟨in iure⟩ Betti l c
[concedatur] ⟨in iure cedatur⟩ Pflüger l c Trampedach l c v Mayr l c Pernice Labeo 3, 205 n 4

23 pr [sed et — *fin*] Stoll SZ 44 (1924) 28

§ 1 [retineri — *fin*] Vassalli Stud Sen 30 (1914) 28

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23 § 1 [quid ergo — valeat] Guarneri-Citati Ann Perug 37 (1924) estr p 5
[tunc — *fin*] Seckel s v „remedium" 2

§ 3 [*pp* § 3] Puchta Jnst[10] 1 § 172 n k p 525 Koschaker Bedingte Novation 30 (Festschr Hanausek) ca P Kretschmar Vergl i Prozeß (Leipz Diss 1896) 17
[dolo quidem — tamen] Bes 1, 109 Betti opposizione della exceptio all'actio 42 n 2
dolo [quidem] Guarneri-Citati Stud Perozzi 248. 257
[potuit autem — post secuti] Solazzi Bull 11 (1898) 344
opponere [doli] Bes l c
exceptionem ⟨dolo enim facit⟩ Guarneri-Citati Ann Pal 11 (1923) 232 n 1
[nihilo — ideo] Bes Ed 79 n 1 Bes 1, 109
[nihilo minus] ⟨non⟩; [post secuti — petit] ⟨et⟩ Guarneri-Citati l c ca Solazzi l c
[cum igitur — *fin*] Bertolini App did 1146 n 1; transaz 277 Solazzi l c Guarneri-Citati l c
[oritur] ⟨detur⟩ Bes 1, 109

24 potest ⟨quod promisit⟩ Betti Bull 28 (1915) 84 ca v Mayr Cond 231

25 [*pp* 25] Ferrini Pand 718 n 5

26 inscr cf Vat § 266

pr solvit [sed] ⟨et⟩ Siber nat obl 66
[legitimum modum] ⟨centesimam⟩ (bis) Lenel 774 n 2 Betti Bull 28 (1915) 69 Siber l c ⟨duplum⟩ Landucci quasi contratti (corso dir rom 1921) 161
modum [solvit] ⟨solverit⟩ (?); sortem [solvit] ⟨solverit⟩ (?) Siber l c
[proinde et — *fin*] Vassalli Stud Sen 30 (1914) 28
[quid si — *fin*] Siber l c

§ 3 [*pp* § 3] Koschaker Bedingte Novation 13 n 3 (Festschr Hanausek) Beseler (?) SZ 45 (1925) 192
[autem]; [debeatur] ⟨debebatur⟩; [per — *fin*] Guarneri-Citati Bull 32 (1922) 271
[debeatur] ⟨debebatur⟩; [perpetuam]; poterat ⟨id est perpetuam exceptionem⟩; [nisi — *fin*] ⟨si quis perpetua exceptione tutus solverit⟩ Vat § 266
[perpetuam] Betti opposizione della exceptio all'actio 61
[nisi — *fin*] Appleton Int 268 ca Buckland Yale Law Journal 33 (1924) 351

§ 4 [licet — cum pecunia]; [sed et — incorrupta] Steiner dat in sol 117

§ 7 [adeo — ut] Iulianus; [scripsit] ⟨scribit⟩; [nexu venditi]; [rem tradiderit] ⟨fundum mancipaverit⟩ Beseler SZ 45 (1925) 438

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26 § 7 [tradiderit] ⟨mancipio dederit⟩ Lenel 774 n 1 Koschembahr-Lyskowski Cond 1, 60
[idemque — *fin*] Bes l c

§ 8 [si quidem — solvit] (?); [quia — solvit] (?) Siber nat obl 37 n 1

§ 9 nummos, ⟨nulla⟩; [a — *fin*] Vassalli Stud Sen 30 (1914) 48 n 1

§ 12 [§ 12] (?) Beseler SZ 45 (1925) 462
[quamvis — solvit] Bes 3, 148 Siber nat obl 76 ca Pringsheim SZ 46 (1926) 362
[natura enim — debet] Bes l c; 4, 127 Siber l c ca Pringsheim l c
[sed si — possit condicere] Bes ll cc Stella Maranca Celso 37
sed [si — inquit operae] Betti Bull 28 (1915) 80
[si operas — condicere et] Biondi Ann Perug 29 (1914) 62 n 1
[veluti] ⟨vel⟩ Cuiac sec Kr Dig adhl Thélohan Et Girard 1, 366
[putat — proposito] Biondi l c
[putat] ⟨ait⟩; eaedem ⟨quae⟩ Bes 3, 148 Stella Maranca l c
[nam — potest] Trampedach SZ 17 (1896) 130 n 3 Betti Bull l c Benigni Fil 31 (1906) 750 n 1 Stella Maranca l c
[aetas temporis] Pflüger Cic p Rosc 23
[temporis] gl Thélohan l c n 4 Dig Mil adhl
[sed hae — conducturus] Bes 3, 148 Stella Maranca l c
[licet] Betti l c
[praestemus] ⟨praestiterimus] Betti Att Tor 51 (1915/16) 1040
[condicimus] ⟨condictione consequimur⟩ Betti ll cc
[condico] ⟨quoque consequor⟩; [vel — debent] (?); condici ⟨ut reddam⟩ Betti Bull 28 (1915) 80 [essem] ⟨esset⟩ Biondi l c
[sit a patrono] ⟨an teneatur alii exhibere ?⟩ Ferrini Dig Mil adhl Thélohan l c 362 n 6
[officiales operas] Mitteis (?) SZ 23 (1902) 155 Bes 3, 148
digestorum quaeritur ⟨?⟩ Bes 3, 148
[nisi forte — edendae sunt] Albertario Fil 36 (1911) 822
solverit [officiales]; [neque ei — *fin*] Bes 3, 148 ca Pringsheim SZ 46 (1926) 362

§ 13 [non peremi — obligationis] Guarneri-Citati Ann Pal 11 (1923) 197 n

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26 § 13 [in pendenti — solverentur] Vassalli Misc crit 3, 29 (Stud Cagliari 8 (1916/1917) [praestitisset] ⟨praestiterit⟩ Betti Bull 28 (1915) 69

§ 14 [secundum — *fin*] Bes 3, 157 Stella Maranca Celso 40 Vassalli Stud Cagliari 8 (1916) 1917 p 29 n 3

29 [$\overline{pp}$ 29] Betti Att Tor 51 (1915/16) 1029 n 3
[nam — *fin*] Bes 2, 25 Siber nat obl 50 cf de Francisci trasferimento 186
[et si — *fin*] Pernice(?) Labeo 3, 256 n 2 Steiner dat in sol 41 n 4 Betti Att Tor 55 (1919/20) 115

30 [$\overline{pp}$ 30] Ferrini Pand 631 n 3
[in his — locum non habet] Gradenwitz Itpp 88. 232 Kalb JL 80 Appleton comp 190 Naber Mnem 21 (1893) 48 Geib Comp 23 n 1 Betti Bull 28 (1915) 68 Kipp SZ 42 (1921) 354
[in his — locum non habet] ⟨cum⟩(?) Brini Rend Bol 7 (1914) 62

31 [$\overline{pp}$ 31](?) Rotondi scr giur 1, 474 ca v Mayr Cond 231 Stintzing Beitr 27

32 § 2 [$\overline{pp}$ § 2] Bes 4, 127 Pringsheim SZ 46 (1926) 362

§ 3 [alium autem—*fin*](?) Buonamici Arch giur 69 (1902) 498

33 si ⟨autem⟩ in; [solverit] ⟨solvit⟩ Betti Bull 28 (1915) 55

34 [Trebelliano] ⟨Pegasiano⟩ Lenel 560
[causam — ideo] Beseler SZ 45 (1925) 462

36 [$\overline{pp}$ 36] v Mayr Cond 109
[scit] ⟨scisset⟩ Scialoja Dig Mil adhl

37 [$\overline{pp}$ 37] HKrüger exc doli 211 n 1
[insciens]; [et — mihi esse] Bes 4, 70

38 pr [naturalem] ⟨debitum⟩; [obligationem quae fuisset]; [sublatam] ⟨sublatum⟩ Siber nat obl 34 n 8
[igitur — agatur] Bes 3, 106
[ita — praestetur] Bes 2, 108. 173; 4, 203
[porro — *fin*] Bes 1 c

§ 1 [naturalem obligationem] Pacchioni Riv dir civ 18 (1926) 50 ⟨debitum⟩ Siber nat obl 34

§ 2 [naturalem obligationem] ⟨debitum⟩; [ei] Siber nat obl 35 Pacchioni 1 c

39 [quasi indebitum](?) Vassalli Stud Sen 30 (1914) 28. 39 n 1
[indebitum] Naber Mnem 21 (1893) 48 n 2 Betti Bull 28 (1915) 71
repetere ⟨non⟩(?) Vassalli 1 c

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40 pr [sed hoc — *fin*] Vassalli Stud Sen 30 (1914) 48
[sed hoc — nam]; [solutum repetere potest]; [non repetit] Siber nat obl 55

§ 1 [et si sine — *fin*] Vassalli 1 c 35 n
[tradiderit] ⟨mancipaverit⟩ Pflüger Cic p Rosc 35; SZ 18 (1897) 86 ⟨mancipio dederit⟩ Betti Bull 28 (1915) 74
[posse — *fin*] Perozzi Ist 2, 288 n 2
[incerti] Naber Mnem 20 (1892) 196 Trampedach SZ 17 (1896) 143 Pflüger 1 c v Mayr(?) Cond 221 ca Kniep Besitz 396 Kalb JBer klass Alt 109, 67
[incerti] ⟨eam⟩ Betti 1 c

§ 2 [quidquid — solutum] Bes 4, 128

41 [solverit — quia] di Marzo Circolo giuridico 32 (1901) 354
promiserit ⟨et?⟩ solverit ⟨eius⟩ Siber nat obl 50
[quia — *fin*] Eisele SZ 11 (1890) 25 Bonfante Ist[8] 383 n 2 Pringsheim SZ 46 (1926) 361; gl Siber nat obl 44. 50 ca Suman Fil 139 (1914) 343 n 5

44 [$\overline{pp}$ 44] Benigni Arch giur 75 (1905) 321

45 [$\overline{pp}$ 45](?) Pernice Labeo 3, 251 n 2

46 dominus ⟨Plautius⟩ Bremer iurispr antehadr 2, 2, 225

47 [nec — solveretur] Donatuti Ann Perug 38 (1927) 91
[nec — sin autem] ⟨sed si?⟩ Bortolucci Bull 28 (1915) 253 n 1
[quoniam — solvit] Pflüger Cic p Rosc 67 n 106
[iure gentium] Perozzi Ist 1, 71 n 1; 2, 289 n 1 Mitteis Symb Prag 1893, 132; RPR 63 n 3 cf Stella Maranca Celso 40
[si modo — *fin*] Bortolucci 1 c

51 [petitionem — habemus] Vassalli Stud Sen 30 (1914) 34
[ea — solverimus](?) Pernice Labeo 3, 248 n 1 ca Pflüger Bonn Festg Krüger 63
[ea] Naber Mnem 21 (1893) 49
[ea] ⟨legata⟩ Segrè Stud Scialoja 1, 269 n
repetere [non] Pflüger SZ 18 (1897) 88 ca Pflüger Bonn Festg Krüger 63 HKrüger SZ 21 (1900) 423 Koschembahr-Lyskowski Cond 1, 94

52 [praeteritam] gl Lotmar Krit Viert 25 (1883) 430 Beseler SZ 45 (1925) 438; SZ 46 (1926) 272
ideo ⟨tibi⟩; [ut etiamsi — non sit]; datur ⟨quod ideo datur⟩; [quo — competit] ⟨quod ob causam datur, etiamsi

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52 falsa causa sit, non repetitur. quod vero ob rem datur, nisi res sequatur, repeti potest⟩ Beseler l c

53 [sed tam — *fin*] Faber rat adhl; conj 8, 8; error 23, 8 Pernice apud Bremer iurispr antehadr 2, 2, 124 Ferrini obbl 524 Huvelin furt 342 n 1 Riccobono Ann Pal 3/4 (1917) 261 n 2 Albertario Bull 33 (1923) 74

55 [idemque — *fin*] Partsch apud Kaden SZ 44 (1923) 180 n 3

56 [ut enim — *fin*] Bes 3, 128

57 § 1 [*pp* § 1] Huvelin furt 544

59 [fideiussor iure] ⟨sponsor tempore⟩ Lenel 48 Siber nat obl 34
errore pecuniam ⟨id ?⟩ Siber l c
[vero] ⟨igitur⟩; [cum prior — *fin*](?) Bes 3, 62 Donatuti Ann Perug 38 (1927) 112 n 3
solutio [quae fuit] ⟨fuerit⟩; [naturale vinculum — *fin*] Siber l c

60 pr [verum debitorem] ⟨reum⟩ Siber nat obl 72
[quia nec — permanet] Arangio-Ruiz Corso di istituzioni 1, 314 n 1
[licet enim—permanet]; [quia ex — *fin*] Siber l c
[alterius] ⟨alterutrius⟩ Ferrini Dig Mil adhl

60 § 1 [novandi animo] (bis) Levy spons 34 Bes 2, 57 Vassalli Bull 27 (1914) 224 Kaden SZ 44 (1923) 177 Scialoja Stud Perozzi 412 Koschaker Bedingte Novation 12 (Festschr Hanausek) ca Costa Stud Schupfer 1, 52
[plerique putant] Kaden l c ca Koschaker l c
[novatione] ⟨condicione⟩; repetere ⟨eum non⟩ Vassalli l c repetere ⟨eum⟩ Bes l c ca Koschaker l c
[posse] ⟨non potest⟩ Kaden l c ca Koschaker l c
[quia — sit] Vassalli l c Koschaker l c
[solvat] ⟨solvere debeat⟩ Bes l c
[sit] ⟨est⟩ Kaden l c ca Koschaker l c
[idemque — promisisse] (?) Kaden l c
in breve coactum esse putat Koschaker l c
[sed — *fin*] Kaden l c Koschaker l c
[in stipulatione — condicionali] ⟨illo enim casu ?⟩ Bes l c
enim ⟨priori⟩ (?) Kniep Nov 13

61 [si nihil — esset] Solazzi Arch giur 67 (1901) 1
[si nihil — deberi]; [autem] Solazzi Stud e doc 23 (1903) 209 Bonfante Ist [8] 510 n 1

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62 [*pp* quia tamen — *fin*] Vassalli Stud Sen 30 (1914) 45 n

64 [quia naturale — *fin*] Perozzi Ist 1, 66 n 1. 73 n 3 Mitteis RPR 63 n 3b Albertario Rend Lomb 57 (1924) 177 Siber nat obl 6 ca Lenel RG 332 n 1 Goudy Trichot 27 n 2
[naturale] Pacchioni Riv dir civ 18 (1926) 48
[iure continetur] Guarneri-Citati Ann Pal 11 (1923) 189

65 pr [pr] Pringsheim Festschr Lenel 263. 267

§ 1 [sin — *fin*] Eisele SZ 18 (1897) 19 est ⟨et⟩ Savigny Syst 5, 377 n e ca Bertolini transaz 47

§ 2 [quia — volui] gl ?; ⟨?⟩ quamvis Haymann Schenkg 37 n 1

§ 3 [quoniam — dederim] Perozzi (?) obbl 101 n Pringsheim SZ 42 (1921) 282
[contrahendi animo] Albertario Riv dir comm 21 (1923) 498 n 2
[quia — secuta] (?) Pernice Labeo 3, 242 n 4 de Francisci Synall 2, 408
[nam — *fin*] (?) Pernice l c

§ 4 [ex — repetitionem] (?) de Francisci Synall 2, 229 n 2

§ 5 § 5 in breve coactum esse putat Levy SZ 36 (1915) 39

§ 6 [§ 6] Pflüger Cic p Rosc 20
§ 6 in breve coactum esse putat Levy SZ 36 (1915) 39
bonitas ⟨aestimanda⟩ Betti Att Tor 51 (1915/16) 1037; Bull 28 (1915) 80
[pretium repetet] ⟨durat eius repetitio⟩ Betti Att Tor l c
[repetet] ⟨restituet⟩ Betti Bull l c

§ 7 § 7 in breve coactum esse putat Pflüger Cic p Rosc 20; SZ 18 (1897) 105
[pecuniam condicam] Pflüger Cic p Rosc 20 ca Koschembahr-Lyskowski Cond 2, 257
[pecuniam] ⟨ipsam⟩ Betti Att Tor 51 (1915/16) 1040; Bull 28 (1915) 80
condicam ⟨ut consequar⟩ Betti Bull l c

§ 8 [ad pretium eius] Senn NRH 37 (1913) 185 n ⟨condictione⟩ Betti Att Tor 51 (1915/16) 1035
[sed — *fin*] Pernice (?) Labeo 2, 2, 1, 118 Levy SZ 36 (1915) 37 Landucci quasi contratti (corso dir rom 1921) 131 Cugia invalidità 62
restituas ⟨in factum actio adversus te dari debebit⟩ Betti l c

§ 9 [*pp* § 9] Huvelin furt 499

66 l 66 in breve coactam esse putat Pflüger Cic p Rosc 60

67 pr [annuos decem] ⟨annua dena⟩ Lenel 14

§ 2 [$\overline{pp}$ § 2] Frese Mél Cornil 1, 338 n 3

D de condictione sine causa 12, 7

1 pr [$\overline{pp}$ pr] Pflüger SZ 18 (1897) 98; Bonn Festg Krüger 91
quis ⟨quod⟩; [si solverit]; indebitum ⟨solverit⟩ Betti Bull 28 (1915) 86
[qui — *fin*] Pernice (?) Labeo 3, 203 n 5 Pflüger l c Benigni Arch giur 75 (1905) 328
causa ⟨?⟩ condicere v Mayr Cond 231
[ipsam obligationem] ⟨adversus stipulatorem, nisi acceptum faciat, quod sine causa ei debetur, doli habet actionem⟩ Betti l c
pr genuinum esse Trampedach SZ 17 (1896) 144 n 2 v Mayr SZ 25 (1904) 227

§ 3 [$\overline{pp}$ § 3] (?) Pflüger Cic p Rosc 61

2 verum ⟨et⟩ Betti Bull 28 (1915) 68
[nisi — *fin*] Albertario Fil 36 (1911) 822 Betti l c Levy SZ 42 (1921) 503 n 6 de Francisci Synall 2, 388

3 [qui — liberentur] Benigni Arch giur 75 (1905) 329
[incerti] (*ter*) Trampedach SZ 17 (1896) 144 Pflüger SZ 18 (1897) 98 v Mayr Cond 182. 183 ca Kniep Besitz 396
[incerti] (*bis*) Betti Bull 28 (1915) 84
[incerti] consequetur Collinet NRH 34 (1910) 163
[incerti condictione] ⟨incerta formula⟩ Naber Mnem 20 (1892) 102. 103
[condictione] ⟨actione⟩ (*bis*) v Mayr SZ 25 (1904) 222 Triantaphyllopulos cond inc 141. 143 ca Eisele SZ 17 (1896) 17 Naber l c Koschembahr-Lyskowski Cond 2, 106
[nisi quod — *fin*] Naber l c Benigni l c
[omni] v Mayr SZ 25 (1904) 222 ca Eisele l c Naber l c
[veluti — *fin*] Eisele l c Jörs Röm Priv R 173

5 pr [$\overline{pp}$ pr] Bes 4, 234
[et in — condictionem] Albertario delictum 28
[quam — condictionem] Bes 3, 86
[non enim — *fin*] Heck Arch z Pr 124 (1925) 40

§ 1 [§ 1] π Bes 3, 86; 4, 175

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ED.

GEORG EISSER

D de condictione furtiva 13, 1

4 [$\overline{pp}$ 4] Savigny Syst 5, 562 sq Baron adjectic Klagen 19 n 8 Pflüger Bonn Festg Krüger 35
[vel — familias] gl Faber rat adhl (3, 1, 409); error 78, 3 Kr (?) Betti Att Tor 51 (1915/16) 1378—1382; SZ 46 (1926) 478 Levy Konk 1, 440. 445 n 8 ca Solazzi Bull 11 (1898) 137 n 1 Biondi a^{nes} noxales 108 sq
domino ⟨vel patre familias⟩ Pampaloni Stud Sen 16 (1899) 227
[id quod — *fin*] ⟨vel patre de peculio⟩ Biondi l c
[in residuum — *fin*] Huvelin furtum 605

4 sqq ⟨filio familias vero ipsi condici potest⟩ Levy l c 438 sqq. 445 sq
[in residuum] ⟨quod autem eo nomine praestiterit, dominus furti actione conventus in litis aestimationem non debet reputare, cum⟩ noxae servum [dominus] dedere [potest] ⟨possit⟩ Betti ll cc
[servum] ⟨eum⟩ Lenel 2873 Solazzi l c 137 Pampaloni l c ca Levy l c 440
dominus ⟨vel pater familias⟩ Pampaloni l c

5 [numquam — *fin*] gl *aut* T Huvelin furtum 598

7 § 1 [is — *fin*] gl Bes 1, 42; 3, 106 De

D de condictione furtiva 13, 1

7 § 1 Francisci az pen 43 n 6 Levy Konk 1, 418 n 6

§ 2 [quae — *fin*] Longo Bull 14 (1901/02) 151 n 2 Kr ca Lotmar SZ 31 (1910) 117 n 5 (118)

8 pr [re furtiva] ⟨nummis furtivis⟩ (?) Pflüger Cic p Rosc 17 sqq
[et si — *fin*] Guarneri Citati Ann Pal 11 (1924) 295 sqq (mora 135)
fur ⟨aestimationem eorum⟩ Betti Att Tor 51 (1915/16) 1028 sq
[aestimationis eius] ⟨ut aestimatio eius praestetur⟩ Betti Bull 28 (1915) 83
[aestimationis — *fin*] Pflüger l c Lenel EP [3] 240 n 7 (§ 95) Levy Konk 2, 1, 134 n 2 ca v Koschembahr-Lyskowski Cond 2, 292 sq. 320 sqq ⟨rei furtivae⟩ Betti Att Tor 51 (1915/16) 1028 sq

§ 1 [$\overline{pp}$ § 1] (?) Huvelin furtum 361 n 6
[maxime — liberatur] Pernice Labeo 2, 2, 1 [2], 138 n 1

9 *genuin* Rotondi Scr giur 2, 406 sqq
[In] condictione; [non — autem] Beseler SZ 47 (1927) 365

10 pr [eius] ⟨rei⟩ Mommsen Dig
eius ⟨rei⟩ Bonfante Dig Mil
[eius] gl (?) Lenel Iulianus 347
[ceterum — adprehendit]; [ut — condictione] Bes 1, 80

§ 2 [tamdiu — ideo]; [eam] ⟨dominus⟩; rem ⟨furtivam⟩ Beseler SZ 45 (1925) 463

§ 3 [cessare — *fin*] Beseler SZ 45 (1925) 463
[id — domini] Kr Nov Suppl

12 pr [septimo] ⟨octavo⟩ Pernice SBer Berl phil hist Kl (1885) 465 n 1 Lenel Marcellus 113 Dig Mil
[ideo]; [definit]; [enim — sed et]; si ⟨rei tibi subreptae⟩; [aeque *fin*] ⟨condicturum te⟩ Beseler SZ 45 (1925) 463

§ 2 [$\overline{pp}$ § 2] (?) Bekker Akt 1, 109 n 31 Ubbelohde Realcontr 89 n 151 Pernice Labeo 3, 1, 210 n 2 sq (?) ca Bruns Besitzklage 199 Kniep Besitz 396. cf 387
[pignori] ⟨fiduciae⟩ Ubbelohde l c Voigt XII Taf 2, 166 n 1 (167) Oertmann fiduc 169. cf 46 Huvelin furtum 592 n 5 Pflüger (?) SZ 18 (1897) 112 von Mayr (?) Cond 198; SZ 25 (1904) 195 sq. 217 sq Perozzi Ist [1] 2, 289 n Biondi a^{nes} noxales 100 n 1
[incerti] Naber Mnem 20 (1892) 194 sq Trampedach SZ 17 (1896) 145 Pflüger (?) l c von Mayr l c v Koschembahr-Lyskowski Cond 2, 183 Lenel (?) EP [3] 158 n 3 (§ 57) Kr Peters Leipz Ber 65

D de condictione furtiva 13, 1

12 § 2 (1913) 96 Betti Bull 28 (1915) 82 Biondi l c

14 pr [si idem — exstitisset] Rechnitz Julian 82
[nec petitoris — recipere et] Pampaloni Stud Sen 9 (1892) 376 n 14 Rechnitz (?) l c
[quod — *fin*] Vassalli Bull 27 (1914) 259 Guarneri Citati obbl indivis 1, 38 n 3 (39)

15 liber ⟨factus⟩ Hal secundum Stella Maranca Celso 73

16 [$\overline{pp}$ 16] Di Marzo Pompon 118 sq Dig Mil Kalb Wegw 54 n 2 Rotondi Scr giur 2, 70
[vel] re [commodata vel] De Ruggiero Bull 19 (1907) 72 Kr Nov Suppl
[vel] re commodata [vel deposita utendo] ⟨aliter utendo quam utendam acceperat⟩ Kalb l c 54
commodata ⟨aliter atque accepit⟩ Haymann SZ 40 (1919) 184
[quae differt . . . . hoc . .] (?) VJR 3, 1, 240, 18
[sine dolo — culpa eius] Haymann l c Kr Nov Suppl
[commodati — culpam et] De Ruggiero l c
[non facile — *fin*] Haymann l c
cum quo [depositi] gl Lenel 321

17 [$\overline{pp}$ 17] Guarneri Citati Ann Pal 11 (1923) 201—204 (mora 41 sqq)
[Parvi] Guarneri Citati l c
[Parvi refert] Bohàček Ann Pal 11 (1923) 356 sqq Koschaker Festschr Hanausek 136
[aliumque statum obligationis] Koschaker l c ⟨obligatio quae nascitur ex furto⟩ Bohàček l c
[nec me movet — *fin*] Kaden SZ 44 (1924) 196 sq
[nec me movet] ⟨. . . . .⟩ Bohàček l c Koschaker l c
[nec ne] ⟨. . .⟩ Bohàček l c
[veluti quadam] Guarneri Citati l c Bohàček l c 356 sqq. 370 Koschaker l c

18 [$\overline{pp}$ 18] Beseler SZ 46 (1926) 140 n 1 (141) ca Levy Konk 1, 388 sqq
[sed et me — *fin*] (?) Haymann SZ 40 (1918) 281 n 1

19 [$\overline{pp}$ 19] Riccobono Riv dir comm 15, 1 (1917) 398 n 2 ca Biondi a^{nes} noxales 100 n 3. 103 sq
condictionem ⟨utilem⟩ Betti Att Tor 51 (1915/16) 1385 sq; SZ 46 (1926) 478
[condictionem] ⟨actionem⟩ von Mayr Cond 194 sq

D de condictione furtiva 13, 1

19 [condictionem] ⟨actionem rerum amotarum?⟩ Levy Konk 1, 452 sq
[condictionem in peculium] Riccobono Ann Pal 3/4 (1917) 556 n 4. 633 sq (dir rom class) Kr Nov Suppl ⟨de peculio actionem⟩ Riccobono l c
[in peculium] Pampaloni Stud Sen 16 (1899) 228 Huvelin furtum 625 Guarneri Citati Ann Pal 1 (1916) 445 ca Zanzucchi Riv It sc giur 47 (1910) 18 n 6 Biondi l c
[peculium] ⟨id quod ad eum pervenit ex rebus amotis⟩ Betti ll cc

20 [$\overline{pp}$ 20] Huvelin furtum 361 n 3 'invito domino' *genuin* Albertario Animus furandi 11
[in restituenda — auferre] gl Levy SZ 36 (1915) 37 n 7

D de condictione ex lege 13, 2

rubr [rubr] Pernice Labeo 3, 1, 204 n 1 Girard manuel [7] 644 Cuq inst 2, 499 n 1 Seckel s v condicere Riccobono Ann Pal 3/4 (1917) 301 n 2 (dir rom class)

1 [1] Riccobono Mél Cornil 2, 257 n 2 [$\overline{pp}$ 1] Brini Mem Bol classe sc mor sez giur 1, 9 (1914/15) 135 cf Pernice l c Girard l c n 3
[obligatio — introducta] Perozzi obbl 45 n 1

D de condictione triticaria 13, 3

rubr [triticaria] Trampedach SZ 17 (1896) 150 sq ca Kalb JBer klass Alt 109 (1902) 67

1 pr [pr] Naber Mnem 20 (1892) 184 sq Bertolini Glück ital 12, 527 ca Kalb JBer klass Alt 89 (1896, ed 1897) 265
[$\overline{pp}$ pr] Trampedach SZ 17 (1896) 151 von Mayr Cond 203; SZ 24 (1903) 271 n 3. 273 Collinet Studi Perozzi 242 De Visscher condictio 52 n 1
[si certum petetur] Lenel EP [3] 232 sqq. 239 sq (§ 95) VJR (?) 1, 719, 7 Girard manuel [7] 516 n 2 v Koschembahr-Lyskowski Cond 2, 49 Kr ⟨si paret N^m N^m A^o A^o HS X dare oportere(?)⟩ Lenel 779 Jobbé-Duval Ét sur l'histoire de la procédure civile 1, 77
[qui autem — *fin*] Lenel EP [3] 232 sqq. 239 sq
[triticariam condictionem] Trampedach l c Kr

D de condictione triticaria 13, 3

1 **§ 1** [ex causis — veluti](?); [vel — *fin*](?) Pflüger Cic p Rosc 62

2 [$\overline{pp}$ 2] Di Marzo cond 43 cf Stella Maranca Celso 75 ca von Mayr SZ 25 (1904) 217 n 5. 218 v Koschembahr-Lyskowski Cond 2, 184 sqq
[et ita et Celsus] gl Kniep Besitz 387
[ita, si — non sit] Benigni Arch giur 75 (1905) 336 sq; cf Fil 31 (1906) 751
[sed ita] von Mayr Cond 218. cf 158
[sed ita — *fin*] Huvelin furtum 587 sq Guarneri Citati Ann Pal 1 (1916) 445
[condicat] ⟨est⟩ Bes 4, 283
[ceterum — *fin*] Pflüger SZ 18 (1897) 111 von Mayr l c Betti Bull 28 (1915) 82 ca HKrüger SZ 21 (1900) 424 Koschembahr-Lyskowski l c 185 n 4
[ceterum — *fin*] *aut* [possessionem — condicere] ⟨condicere eum non posse⟩ Perozzi Ist 2, 288 n 2 (289)
[si non sit] Naber Mnem 20 (1892) 106 gl Kalb JBer klass Alt 89 (1896, ed 1897) 265 ca Triantaphyllopulos cond inc 111
non sit, ⟨non⟩; [possessionem] ⟨posse⟩ Bes l c

3 [$\overline{pp}$ 3] Hartmann-Ubbelohde Ordo iudiciorum 1, 2, 364 n 45 Riccobono Bull 8 (1895) 234 Marchi Stud Scialoja 1, 173 sq Lenel EP [3] 240 n 5. 7 (§ 95) Biondi Bull 32 (1922) 68 n 5 Betti D 42, 1, 63 p 303 cf Stella Maranca Celso 41 sq
[res quae petita est] ⟨-servus-⟩ Marchi l c
[condemnationis] V J R (?) 1, 870, 3—4 Kr Betti lit aest 11. 15 Biondi a^{nes} noxales 262 n 3 ⟨contestationis⟩ Huschke Z f Z u Pr 20 (1844) 267 ⟨litis contestatae⟩ Pernice apud Bremer iurispr antehadr 1, 197 ⟨litis contestationis⟩ Marchi l c
[condemnationis tempus] (?) Lenel 780
[in utroque autem] Marchi l c
[in utroque — post moram deterior res facta sit,] ⟨-?-⟩ Beseler SZ 45 (1925) 463
[si post moram deterior res facta sit]; [quanto deterior res facta sit] Marchi l c
[habendam — *fin*] ⟨-?-⟩ Beseler l c
[quare ad — *fin*] Marchi l c Kr Suppl cf Genzmer SZ 44 (1923) 104 n 2

4 [quod — *fin*] Riccobono Bull 8 (1895) 233 n 3 Scialoja (?) Bull 14 (1901/02) 10 n 2 Kr Biondi dottr act arb 19 (Ann Pal 1 (1916) 36)

D de eo quod certo loco dari oportet 13, 4

1 [Alio — *fin*] ⟨videamus primum cur necessarium fuerit hoc edictum. quod facile intellegitur. nam alio loco, quam in quem sibi dari quisque stipulatus est, si pure intendat sibi dari oportere, loco plus petit et causa cadit. sed quia iniquum erat, si promissor ad eum locum, in quem daturum se promisisset, nunquam accederet, non posse stipulatorem ad suum pervenire; ideo visum est praetori utilem in eam rem intentionem comparare?⟩ Beseler Ed 56 sq ca Biondi Bull 26 (1913) 16; dottr act arb 19. 26 (Ann Pal 1 (1916) 35 sq)
[non videbatur — competere]; [quod vel — distringeretur]; [utilem — *fin*] Arangio-Ruiz Bull 25 (1912) 138 sq ca Biondi Bull 26 (1913) 16

2 et 4 pr apud Ulpianum hoc ordine 2, 2—7; 2, 1; 4 pr; 2 pr; 2, 8 scripta fuisse putat Beseler Ed 113. 115. 116

2 pr [pr] Naber Mnem 30 (1902) 321 Biondi dottr act arb 42 sq (Ann Pal 1 (1916) 57 sq) Arangio-Ruiz Bull 25 (1912) 150. 158 sq. 190 ca Lenel EP [3] 242 n 4. cf 243 n 4 (§ 96); SZ 37 (1916) 123. cf n 3
[arbitraria — utriusque] ⟨haec formula rei⟩; [tam — rei]; [quod] ⟨nam⟩ Betti antit 88 n
[quod — *fin*] Lenel (?) EP [3] 242 n 4; SZ 37 (1916) 123; cf n 3 Guarneri Citati obbl indivis 1, 38 n 3 (39) (Ann Pal 9, 1921)
[condemnatio] ⟨arbitratus⟩ Gradenwitz SZ 24 (1903) 249
[aut — *fin*] Betti l c
[aut] ⟨at⟩ (?); fiat ⟨condemnatio⟩ Gradenwitz l c

§ 1 [§ 1] Naber Mnem 30 (1902) 321
[autem actio] ⟨formula⟩ Arangio-Ruiz Bull 25 (1912) 150
[actio] ⟨formula⟩ Beseler Ed 116
[actio —venit] Albertario form Fab 33 n 1 (Ann Perug 32 (1920)) ca Lenel SZ 45 (1925) 23

§ 2 [non debet — *fin*] Naber Mnem 30 (1902) 321
[experiri — *fin*] ⟨intendere, ne plus petendo causa cadat⟩ Beseler Ed 108
[utilitatem] ⟨electionem⟩ Arangio-Ruiz Bull 25 (1912) 176 n 1. cf 190

§ 3 [$\overline{pp}$ § 3] (?) Bonfante Ist [8] 367 n 2 quae ⟨sub alternatione dicta⟩ [tacite

D de eo quod certo loco dari oportet 13, 4

2 § 3 insunt] ⟨sunt in⟩ *aut* stipulationibus ⟨rata esse. denique electionem non⟩ semper Beseler Ed 109
[cum quis] ⟨eum? qui⟩ Schulz Einf 100 n 4
[dum — debet] gl Beseler l c
[vivum] gl Bases adn 175
[damus — petitionis] Naber Mnem 30 (1902) 321 gl Kr Biondi dottr act arb 32 n 2 (Ann Pal 1 (1916) 48 n 2) Pringsheim Festschr Lenel 254
[et generaliter — petitionem] gl Pringsheim l c

§ 6 si ante [diem] Bes 2, 142
perperam ⟨agit: videtur enim⟩ Kr
[perperam] Beseler l c
perperam [ante diem] gl Beseler Ed 113 ca Bes 2, 142
[agi] ⟨agit⟩ Beseler Ed 113; Bes 2, 142

§ 7 [$\overline{pp}$ § 7] Beseler Ed 100 sq
[atque — interest] Biondi dottr act arb 69 sqq (Ann Pal 1 (1916) 81 sqq) Arangio-Ruiz Bull 25 (1912) 174 Cugia adiectus 75 Kr Dig [13 et 14] Lenel EP [3] 241 n 5 (§ 96)
[posse peti quod interest] Kr Dig [11 et 12] ⟨stricto quidem iure integram summam peti posse. quam tamen actionem praetorem causa cognita denegaturum daturumque in factum formulam in id quod interest (interfuit?) stipulatoris pecuniam Ephesi solutam esse⟩ Beseler Ed 100 dici [et si — solvatur]; [quamvis — cogar] Naber Mnem 30 (1902) 321 gl Beseler l c ca Biondi l c Guarneri Citati Ann Pal 11 (1923) 225 sqq (mora 65 sqq)
[quemadmodum — *fin*] Cugia l c
[sed — *fin*] Biondi l c Arangio-Ruiz l c Kr Suppl
[et ideo — *fin*] Beseler l c

§ 8 [$\overline{pp}$ § 8] Gradenwitz SZ 24 (1903) 239. 244. 249 sq Lenel EP [3] 246 sq. 247 n 2. cf 243 n 4 (§ 96) Riccobono Bull 20 (1908) 102 De Francisci Synall 2, 424 n 4 Guarneri Citati misc eseg 1, 68
[officio — actionis] ⟨condemnatione huius formulae⟩ Beseler Ed 114 sq
[actionis] ⟨formulae⟩ Arangio-Ruiz Bull 25 (1912) 154 sq. 166. 182 sq. 185. cf 190 sqq
loquendum est ⟨?⟩ Lenel EP [3] 247 n 2
[utrum — quantitatem debeat] Lenel SZ 37 (1916) 123 sqq Kr Suppl ⟨et utriusque utilitatem continet, tam actoris quam rei: quod si rei interest, minoris fit pecuniae condemnatio quam intentum est, aut si actoris, maioris. at contra condemnatio

D de eo quod certo loco dari oportet 13, 4

2 § 8 eius formulae, quae fuit ante divum Hadrianum, rei tantum utilitatem continebat⟩ Beseler l c
[quantitati — servire] ⟨servare⟩ Biondi dottr act arb 44 sqq. 62 (Ann Pal 1 (1916) 59 sqq. 74); Bull 26 (1913) 35 sqq
[contractus] Naber Mnem 30 (1902) 321 ⟨intentionis⟩ Gradenwitz l c
an [vel] excedere [vel minuere] Arangio-Ruiz l c
[vel excedere] Betti Att Tor 51 (1915/16) 1024 n 3
[vel excedere vel] Gradenwitz l c Biondi l c Betti antit 88 n; lit aest 2, 24 n 1
quantitatem ⟨intentionis⟩ Biondi l c
quantitatem debeat ⟨-(*formula*)-; olim ita formula concepta erat (?)⟩ Lenel EP [3] 247 n 2; SZ 37 (1916) 123 sqq
[ut, si interfuisset — haberetur] Naber l c Arangio-Ruiz l c ca Lenel SZ 37 (1916) 123 sqq
[Iulianus — *fin*] Biondi l c
Iulianus ⟨vero⟩ Beseler l c
interesse Ephesi ⟨pecuniam⟩ recipere Betti antit 88 n
[itaque — veniet] Kr Arangio-Ruiz l c Betti antit 88 n ca Beseler Ed 81
veniet ⟨in hanc formulam⟩ Beseler Ed 86. 115
'quid enim — distracta est' aliunde additum Beseler Ed 84 sq
[quid enim si — *fin*] Bes 1, 65
[mora tua] Arangio-Ruiz l c
[stipulatoris] ⟨praedis⟩ Voigt ius nat 3, 485 Conrat cert loco 192
[in hanc — usurarum] Naber l c Arangio-Ruiz l c
[arbitrariam] ⟨formulam⟩ Gradenwitz (?) l c Beseler Ed 76. 81
'et quidem ultra' — *fin* aliunde additum Beseler Ed 83 sq
[legitimum — usurarum] Kr ⟨centesimam⟩ Lenel 784 Beseler Ed 81

3 [*pp* 3] Arangio-Ruiz Bull 25 (1912) 178
[haec actio] ⟨condemnatio huius formulae⟩ Beseler Ed 63 ca Biondi dottr act arb 19 (Ann Pal 1 (1916) 36)
[actio] ⟨condemnatio⟩ Arangio-Ruiz Bull 25 (1912) 193 ca Biondi Bull 26 (1913) 16
quia ⟨pecuniae licet videatur una et eadem potestas ubique esse, tamen eadem summa aliis locis aliud valet. nam⟩; [pecuniarum] ⟨pecuniae⟩; gravibus usuris. ⟨iudicis igitur, qui ex hac formula cognoscet, tale officium erit, ut aestimet ex comparatione pretiorum quae utrubique sunt, quanta pecunia idem valeat ubi agitur, quod stipulationis summa ibi valet, ubi dari promissum est. licebitque ei propter verba formulae et minuere promissam summam et augere⟩ Beseler Ed 62 sq. 87 sq ca Biondi dottr act arb 19 (Ann Pal 1 (1916) 36)
[civitates] regiones[que] Biondi l c 36 n 1 (Ann Pal 1 (1916) 51 n 1)

D de eo quod certo loco dari oportet 13, 4

4 pr summa [petetur] ⟨in intentionem deducetur⟩ Beseler Ed 116
[ipsa — *fin*] ⟨pura actione recte agetur⟩ Biondi Bull 26 (1913) 34
[nec amplius — *fin*] Naber Mnem 30 (1902) 321 Biondi dottr act arb 75 sq (Ann Pal 1 (1916) 87 sq) Kr Suppl gl(?) Beseler l c T *aut* gl Arangio-Ruiz Bull 25 (1912) 175 et n 1
[nisi — *fin*] gl ⟨quia, ut supra dictum est, qui pure intendit 'sibi dari oportere' hoc intendit: ibi sibi dari oportere ubi petit⟩ Beseler Ed 116. 98

§ 1 [§ 1] Bes 1, 65 Biondi dottr act arb 83 sqq. 97 (Ann Pal 1 (1916) 94 sqq. 108) Arangio-Ruiz Bull 25 (1912) 142 sq. 157 sq ca Albertario form Fab 46 (Ann Perug 32 (1920))
[*pp* § 1] Gradenwitz SZ 24 (1903) 239 sq De Ruggiero Stud Cagliari 1 (1909) 178 n 1 Biondi [1] actt arbb 1, 23 sq. 48. 54. 75 Zanzucchi Bull 29 (1916) 81 n 2 Guarneri Citati Ann Pal 11 (1923) 206 n 6. 234 (mora 46 n 6. 74) Lenel EP [3] 243 n 4. 245 n 1 (§ 96)
[Interdum] iudex De Francisci Fil 40 (1915) 20 Biondi Bull 32 (1922) 65 n 4. 71 n
[ex hac — cognoscit] Levy Konk 2, 1, 44 n 3
[actione] ⟨formula⟩ Beseler Ed 77
[cum sit arbitraria] Biondi Bull 32 (1922) 65 n 4 (66). 71 n ⟨propter exceptionem doli mali⟩ Beseler Ed 77 sq
[cautione — promissa est] Faber coni l 15 caput 2; rat adhl (3, 1, 479)
[quid enim — interdum absolvere] Biondi [1] actt arbb 1, 23 sq. 48. 54. 75
[vel ex facili — interdum absolvere] Beseler l c
debebit [interdum] De Francisci l c Biondi Bull 32 (1922) 65 n 4 (66). 71 n
[in summa — *fin*] Riccobono Bull 20

[1] apud Biondi erratum D 13, 4, 14, 1

D de eo quod certo loco dari oportet 13, 4

4 § 1 (1908) 102 gl Pringsheim Festschr Lenel 263
[aequitatem — iudex] Biondi[1] actt arbb 1, 23 sq. 48. 54. 75 Guarneri Citati obbl indivis 1, 137 n 1 (Ann Pal 9, 1921)
[aequitatem quoque] ⟨id⟩; [actioni] ⟨formulae⟩; addictus est ⟨oportere condemnationis summam idem valere ubi agitur, quod intentionis summa ubi dari convenit⟩ Beseler Ed 77. 116

5 [arbitraria — *fin*] ⟨adiecto loco agendum est⟩ Beseler Ed 58
[arbitraria — *fin*] ⟨potest legatarius adiecto loco alibi ex testamento agere⟩ Arangio-Ruiz Bull 25 (1912) 147 sq ca Biondi Bull 26 (1913) 20

6 [aut] ⟨si⟩; reddatur ⟨arbitraria competit⟩ Lenel 699

7 pr [$\overline{pp}$ pr] Longo Stud Moriani 1, 207 sq (Stud Sen 22 (1906) 207 sq) Biondi dottr act arb 95 n 3 (Ann Pal 1 (1916) 105 n 3) Arangio-Ruiz Bull 25 (1912) 156 sq Bertolini app did 2, 2 p 70 n 2 De Francisci Synall 2, 409 sq
[bonae — iudiciis] ⟨incertis formulis⟩; [convenit] ⟨convenerit⟩; [ex empto — *fin*] ⟨loci non fit commemoratio⟩ Beseler Ed 66 sq
[ex empto vel vendito] Longo l c

§ 1 [$\overline{pp}$ § 1] Arangio-Ruiz Bull 25 (1912) 156 sq ca Biondi Bull 26 (1913) 16 et n 2
[traditurum se] ⟨certum dari⟩ Beseler Ed 66 sq
[hac — *fin*] Arangio-Ruiz l c ⟨locum in intentione adicere debet⟩ Beseler l c ca Biondi l c

8 [id est — solvi] De Medio Arch giur 68 (1902) 210 sq Kr VJR(?) 5, 2, 623, 16 ca Biondi Bull 21 (1909) 223 n 3; dottr act arb 38 sqq. 58 (Ann Pal 1 (1916) 54 sqq. 71) Bertolini app did 2, 2 p 71 n 1
id est [ut]; Capuae ⟨tota centum⟩ Betti antit 87 n 1 (88 sq)
[petantur] ⟨petatur⟩; [arbitraria — debeat] ⟨'locus in intentione adiciatur' *aut* 'in intentione Capuae commemoratio fiat'⟩ Arangio-Ruiz Bull 25 (1912) 156. 170. cf 190
[arbitraria — lisque] ⟨lis⟩ Betti l c
[eius vel] Arangio-Ruiz Bull 25 (1912) 173
[vel actoris] ⟨et debitoris⟩ Biondi dottr act arb 38 sqq. 58 (Ann Pal 1 (1916) 54 sqq. 71); Bull 26 (1913) 38. 47. 21 ca Lenel SZ 37 (1916) 122 sq

[1] apud Biondi erratum D 13, 4, 14, 1

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[vel actoris] gl(?) Segrè Mél Girard 2, 566 n 2
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vel [actoris] ⟨ipsius promissoris⟩; summam] ⟨pecuniam⟩ Betti l c
[nec oportebit — *fin*](?) Bes 2, 169 sq; 3, 45 ca Lenel SZ 37 (1916) 122 sq Biondi dottr act arb 38 sqq. 58 (Ann Pal 1 (1916) 54 sqq. 71)
[nec oportebit — forte] ⟨quod si⟩ Betti l c
oportebit, [quod — solverentur] gl Beseler Ed 101 sq
[obligationem — soluta] Betti l c
[eiusque — puto, quod] De Medio l c ca Biondi Bull 21 (1909) 223 n 3
[differentia] Pringsheim Festschr Lenel 237
reliquum ⟨alibi⟩ Betti l c
[aestimet — intersit] ⟨condemnationis⟩ Biondi Bull 26 (1913) 38. 47. 21
quanti [actoris] ⟨rei⟩ Biondi Bull 21 (1909) 222 sq; dottr act arb 38 sqq. 58 (Ann Pal 1 (1916) 54 sqq. 71) ca Arangio-Ruiz Bull 25 (1912) 173 sq
[Capuae — *fin*] Biondi Bull 26 (1913) 38. 47. 21

10 inscr [quarto] ⟨tertio⟩ Lenel 1303 Dig Mil Beseler Ed 103 n 1 Arangio-Ruiz(?) Bull 25 (1912) 173

10 [quo — agere] Biondi dottr act arb 63 sqq. 66 sq (Ann Pal 1 (1916) 76 sqq. 79 sq) Albertario Ann Perug 31 (1919) 23 n 1 (estr)
minus ⟨centum⟩; [solveretur] ⟨solverentur⟩ Huschke Z f Z u Pr NF 4 (1847) 396 sqq
[cum arbitraria — agere] Arangio-Ruiz Bull 25 (1912) 155. 173
arbitraria ⟨formula⟩ Beseler Ed 103 sq
[eius — nomine] Arangio-Ruiz l c
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[nec — obligatione] Naber Mnem 37 (1909) 307 n 5
[vel — iudicis] ⟨usurarum petitio⟩ Biondi l c Albertario l c
petatur ⟨vel si in sortem tantum reus condemnatus sit⟩ Huschke l c
[tam — poena] gl; [sortem — quantitate] gl Beseler l c
[sortem] ⟨sortis⟩ Huschke l c ⟨ex sorte⟩ Mommsen Dig ca Kniep mora 1, 276 sq
[tanto — *fin*] Beseler l c Kr Arangio-Ruiz l c Guarneri Citati Bull 32 (1922) 257; cf SZ 47 (1927) 563

D de eo quod certo loco dari oportet 13, 4

10 [creditor — *fin*] Guarneri Citati Ann Pal 11 (1924) 233 n 4

D de pecunia constituta 13, 5

1 pr [pr] gl Pringsheim (?) SZ 42 (1921) 667 n 5; Festschr Lenel 267 Beseler SZ 45 (1925) 453

§ 1 [debitam] ⟨creditam⟩ Bruns (?) ZRG 1 (1861) 49 Rudorff EP 107 n 4 (§ 97) ca Huschke Arch z Pr 65 (1882) 250 n 7

§ 2 [de — attamen] ⟨pupillus⟩ Bes 4, 128

§ 4 Eum, qui ⟨pecuniam sibi debitam⟩; [cum — sibi,]; [de constituta] ⟨hac formula⟩ Beseler SZ 47 (1927) 358
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§ 5 [$\overline{pp}$ § 5] Steiner dat in sol 87 sqq Buckland Yale Law Journal 33 (1923/24) 355
[an] ⟨non⟩ Bes 2, 86; 4, 128
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[vel ex quocumque — *fin*] Perozzi l c Riccobono l c; SZ 43 (1922) 300[2] De Ruggiero l c Albertario l c

§ 7 [§ 7] Kappeyne van de Coppello Abh 2, 242 sq. 342 sq Baron[3] Krit Viert 28 (1886) 243; Pandekten[9] (?) 483 n 6

[1] apud Steiner erratum D 13, 5, 15
[2] apud Riccobono erratum D 13, 5, 1, 5
[3] apud Baron erratum D 13, 6, 1, 7

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1 § 7 Pfersche Grünh Z 14 (1887) 175 Brugi (?) Ist[3] 376 n 14 (§ 92) Bertolini (?) app did ser I p 912 n 4 Siber nat obl 38 n 1 *genuin* Arangio-Ruiz genti 39
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[ceterum si plus — *fin*] (?) Arangio-Ruiz genti 47

2 [constituerit] (?); [constituta] (?) Rechnitz Julian 29

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§ 1 [id — exceptionem] Eisele SZ 18 (1897) 39 Wlassak Einrede 47 Levy Konk 1, 225 n 4 Bes 4, 128 gl Kr Betti opposizione dell' exceptio 14 n
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5 § 1 conveniri ⟨non⟩ Cuiac notae adhl; comment in libros quaestionum Papiniani 3 ad l 39 de iudic Pothier Pand 5, 1, 32 n 4 Lenel 788 n 4 Ch Appleton NRH 40 (1916) 53 sq ca Cuiac observation l 13 c 17
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[1] apud Baron erratum D 13, 6, 1, 7
[2] apud Kr erratum D 13, 5, 3, 1

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5 § 2 [§ 2] ⟨-?-⟩ Bes 4, 260
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§ 4 [octavo] ⟨quinquagensimo octavo⟩(?) Pernice S Ber Berl phil hist Kl (1885) 464 Lenel Pomponius 11
§ 9 [vel tutori pupilli] Solazzi Bull 22 (1910) 60 sqq
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8 mihi ⟨non⟩ teneberis Beseler SZ 45 (1925) 439
10 ⟨Non⟩ Idem est [et] Bes 4, 291
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[quia — *fin*] Bes l c
11 pr [hactenus — puta]; [nam et]; scribit ⟨non⟩ Beseler SZ 45 (1925) 197
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12 [$\overline{pp}$ 12](?); Stichum ⟨argentarius⟩ Seckel s v recipere 2 c aa Partsch SZ 29 (1908) 415 n 6
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14 § 1 [cum utilitas — *fin*] Arangio-Ruiz genti 56 sq Kr Suppl ⟨non tenetur⟩ Bes 4, 260 n (261) ca Lenel EP [3] 248. cf n 3 (§ 97)
§ 2 [§ 2] Arangio-Ruiz l c Kr l c ca Lenel l c
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§ 3 [sicut pacisci](?) Perozzi Stud Schupfer 1, 169
15 [quod — adquirimus] Pacchioni contr (1912) 376
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16 § 1 [et tempore]; [sed exemplo — actionis] Arangio-Ruiz Bull 25 (1912) 160 sq ca Biondi Bull 26 (1913) 21 cf Lenel EP [3] 243 n 4 (§ 96)
§ 2 [$\overline{pp}$ § 2] Dig Mil
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[appareat — *fin*] ⟨paret N^m N^m neque fecisse quod constituit neque per A^m A^m stetisse quo minus id fieret⟩ Bes l c
[appareat . . .](?) VJR 1, 243, 37
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fecisse ⟨quod constituit⟩ Lenel l c
[stetit] ⟨stetisse⟩ Lenel l l c c Guarneri Citati l c
§ 3 [sed — *fin*] Guarneri Citati Ann Pal 11 (1923) 236 sq. 237 n 1
§ 4 [verba praetoris] Lenel EP [3] 251 (§ 97) Segrè(?) Stud Moriani 2, 329 n 1
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17 [sed et] Guarneri Citati Ann Pal 11 (1923) 236
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18 § 3 [*pp* § 3] Alibrandi opp 1, 180 sq (Giorn di giur 1 (1870) 395) Segrè Stud Fadda 6 (1906) 376 n 1 Arangio-Ruiz genti 62
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[et tutius est dicere] Segrè l c 377 Kr Suppl Levy Konk 2, 1, 87 n 2
[solutione — facta] ⟨per exceptionem doli potius quam ipso iure⟩; [non — quoniam] ⟨quamquam⟩; solutio ⟨sortis⟩ Kerr Wylie l c
[ex hac — facta] Seckel l c
[ex hac actione] Kr Suppl
[quoniam — *fin*] Segrè l c Kr Suppl

19 pr [eadem — *fin*] Vassalli Bull 27 (1914) 228; cf SZ 46 (1926) 464
existente condicione ⟨qui constituit⟩ Ferrini Dig Mil
[teneatur, deficiente] ⟨teneat⟩ utraque actio ⟨,deficiente⟩ depereat Mommsen Dig

§ 2 [minueretur] ⟨minuetur⟩ Bonfante Dig Mil

21 § 1 [potest — dici] ⟨verius est⟩ Faber coni l 15 c 4; rat adhl (3, 1, 523); ad D 5, 1, 69 (2, 1, 81) Schifordeger 1, 17—20; in Albertario contr ricerca int 10
[sed modicum — *fin*] Faber l l c c Schifordeger l c Accarias précis dr rom 2, 617 n 2 Girard manuel [7] 635 n 2 Ferrini Pand 618 n 3; Glück ital 13, 180 n p bis Seckel s v modicus Kr Guarneri Citati Bull 32 (1922) 251 sq Albertario Rend Lomb 55 (1922) 522 n 3 (523)
[sed — dierum] (?); [ut exactio — *fin*] Gradenwitz Itpp 74 Appleton int 71 Bes 2, 152 VJR (?) 4, 1, 238, 43; 1, 709, 19

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22 [sed magis — *fin*] Faber coni l 15 c 5; rat adhl (3, 1, 524); ad D 2, 14, 17, 6 (1, 199) Ferrini obbl 528; Glück ital 13, 204 n v Schulz SZ 27 (1906) 96 n 4 (97) Kr

23 [ut — *fin*] gl Rechnitz Julian 74

24 [est enim — *fin*] HKrüger SZ 19 (1898) 32 Kr VJR (?) 3, 1, 278, 47

25 pr [non esse — *fin*] ⟨posse⟩ Beseler SZ 45 (1925) 438

§ 1 [sed et — *fin*] Pringsheim — Beseler Festschr Lenel 225 sq

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25 § 1 [quia nemo dubitat] ⟨quamvis nemo dubitet⟩ Ferrini Dig Mil
[quia — iuret] gl Scialoja Dig Mil Kr

27 [constituat] ⟨recipiat⟩; [constituere] ⟨recipere⟩; [constituit] ⟨recepit⟩ (*bis*) Lenel SZ 2 (1881) 64; Ulpianus 472; EP [3] 132 n 2 (§ 50) Bremer iurispr antehadr 2, 1, 106 Karlowa RG 2, 760 Ferrini Glück ital 13, 161 n g Seckel s v recipere 2 c aa Kr
[quis] ⟨argentarius⟩ (*bis*) Seckel l c Karlowa (?) l c

28 [quis] ⟨argentarius⟩ (?) Seckel s v recipere 2 c aa
alio [constituit] ⟨recepit⟩; quo [constituit] ⟨recepit⟩ Lenel SZ 2 (1881) 65; Gaius 120; EP [3] 134 n 5 (§ 50) Seckel l c Kr

30 [duobus] Bes 4, 128; SZ 45 (1925) 439
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pecuniam ⟨debens alteri⟩ (?) Kr l c
constituerit ⟨se⟩ Bes l l c c
[tibi — propria] ⟨alteri priore⟩ (?) Kr l c
aut Titio ⟨soluturum⟩ Bes l c
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[tamen — *fin*] Seckel-Kübler (?) l c Kr (?) l c Pringsheim l c Frese l c ⟨sed petentem te exceptione summovebit (?)⟩ Bes l l c c

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2 furiosum ⟨. . .⟩ Collinet NRH 34 (1910) 164 sq
[sed — *fin*] Collinet l c gl (?) Bes 2, 133

3 pr [si — *fin*] Albertario Rend Lomb 46 (1913) 848 ca Bonfante corso 1, 440 n 1

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3 § 1 [reddita, non videbitur — *fin*] ⟨. . . .⟩ Beseler SZ 47 (1927) 366

§ 2 [*pp* § 2] Pernice Labeo [2] 2, 2, 1, 155 n 1 Longo Stud Moriani 1, 197—202 (Stud Sen 22 (1906)) Seckel s v fides 5 a Biondi actt arbb 1, 25 n 1. 161 n 2. 164 n 3; iud b f 207 Arangio-Ruiz Stud Cagliari 4, 2 (1912) 92 n 2 Levy SZ 36 (1915) 2 n 3. 68 n 2
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[sicut — et] Biondi Bull 32 (1923) 66 sqq
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[ceteris] Betti lit aest 26
[similiter] Betti l c
[iurabitur] ⟨iuratur⟩ Betti l c
[iudicandae] ⟨iudicatae⟩ Fadda Dig Mil
[observatur] ⟨spectatur⟩ Ferrini l c
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§ 3 [*pp* § 3] Biondi actt arbb 1, 161 n 3
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3 § 4 [et directo] Biondi iud b f 153 n 3 sed [et] (?) Kr l c

§ 5 [§ 5] Bes 3, 45 Biondi iud b f 132 n 3 Kr (?) Suppl; Kr Nov Suppl Pringsheim Festschr Lenel 235
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[contractibus] ⟨iudiciis⟩ Segrè (?) l c Albertario l c
[in deposito] Albertario l c De Francisci l c
[nisi — deponitur] Eisele SZ 11 (1890) 26 Kniep praescr u pact 81 n 41 Longo Bull 17 (1905) 69 sq Segrè l c; Bull 19 (1907) 226 n 2 De Ruggiero Bull 19 (1907) 66 n 1. 70 n Mitteis RPR 324 n 34 Kr VJR (?) 3, 1, 242, 51; 4, 1, 149, 37 Lusignani respons 8 sec Schulz l c Albertario l c; Fil 36 (1911) 812 n 1 De Francisci Synall 1, 272 n 3; 2, 425 sq
[nisi — accessit] Haymann Freilass 58 n 2
[et merces — aut si] Kübler Festg Gierke 2, 238 n 1
[sed ubi — *fin*] T *aut* π Haymann l c 221 n 3
[ubi — dote] Albertario Rend Lomb 58 (1925) 810 n 1
[ut in empto — societate] Segrè (?) l c

[1] apud Mitteis erratum D 13, 6, 5, 3

D commodati vel contra 13, 6

5 § 2 Albertario Bull 25 (1912) 18 sqq De Francisci Synall 2, 425 sq
[dote — pignore] ⟨actione rei uxoriae, ut in fiduciae iudicio⟩ Wissembach embl 35 von Bassewitz commentatio de fiducia 25
[pignore] ⟨fiducia⟩ Rotondi Scr giur 2, 154 (Riv It sc giur 51 (1912) 154)
pignore ⟨. . .⟩ Lenel 802
pignore ⟨ut in fiducia⟩ Oertmann fiduc 45
[ut in societate] (?) Mitteis RPR 324 n 34

§ 3 [$\overline{pp}$ § 3] Rotondi Scr giur 2, 96 (Arch giur 83 (1909) 274 n 1) cf Oertmann fiduc 143 sq
[commodatum — commodatur] gl; [ideo] gl; [et culpam praestandam] gl Arangio-Ruiz responsabilità contratt 105 sq
[culpam] ⟨custodiam⟩ Haymann SZ 40 (1919) 188 sq. 208 n 2
[et diligentiam] T *aut* gl Bases adn 176 T Arangio-Ruiz l c
[diligentiam] ⟨custodiam⟩ Kübler Festg Gierke 2, 259 sq Kunkel SZ 45 (1925) 270 Paris responsabilité 115 sq ca Huvelin furtum 353 n 1
diligentiam [et] gl; [ab eo — *fin*] Arangio-Ruiz l c

§ 4 [$\overline{pp}$ § 4] Arangio-Ruiz l c 105
[aut — accidit] De Medio Bull 20 (1908) 195 sq Kr (?) Suppl Kunkel SZ 45 (1925) 269 n 1
ad 'imputandum' cf Bes 3, 125
[nisi — interveniat] Ferrini (?) Arch giur 53 (1894) 265 n 1; Glück ital 13, 279 n 1 De Medio l c Kübler Festg Gierke 2, 259 Albertario Ann Perug 31 (1919) 16 n (estr)
[vel aliquid — fatale] De Medio l c Haymann SZ 40 (1919) 207 n 3 Kunkel l c

§ 5 [etiam diligentem] Seckel s v custodia 1 a α aa; s v diligens 1 Kr Kübler Festg Gierke 2, 259 Loncao Ann Pal 5 (1917) 95 sq Kunkel SZ 45 (1925) 270 sq Arangio-Ruiz responsabilità contratt 104

§ 6 [$\overline{pp}$ § 6] Haymann SZ 40 (1919) 318 et n 3 Bes 4, 297 Arangio-Ruiz l c 178
dubitatum est ⟨?⟩; hominis [custodia] ⟨fuga⟩ Schulz Krit Viert 50 (1912) 57 n 67 ca Levy Konk 1, 409 n 3
[certe si hoc — *fin*] Haymann l c Arangio-Ruiz l c
praestare ⟨debere⟩ Riccobono Dig Mil

§ 7 [$\overline{pp}$ § 7] Seckel-Levy SZ 47 (1927) 247 n 2. 253 n 1

D commodati vel contra 13, 6

5 § 7 [sed ego ita — praestare debere] Kunkel SZ 45 (1925) 273 sq. 274 n 2
vetustate, [dico] ⟨te⟩ Haymann SZ 40 (1919) 260 sqq. 187 sq
[qui neglegentius — *fin*] Kunkel l c
[quod culpa — ipsum] Haymann l c Guarneri Citati obbl indivis 1, 93 n 1 (94) (Ann Pal 9, 1921)

§ 8 in eo [chirographum] ⟨chirographo⟩ Bases adn 177
[egoque — interlevero]; [quidem] ⟨non⟩; [teneri — scriptum: etiam] Biondi iud b f 92 n 4. cf 152 n 5
[contrario] Partsch neg gest 54 n 2
[neque me — scriptum] Gradenwitz Itpp 235 sq Lenel 802 Erman GrünhZ 31 (1904) 586 Bertolini app did 1, 275 n 1 VJR (?) 4, 1, 111, 20 ca Kalb RJ 91; JBer klass Alt 134 (1907) 85

§ 9 [diligentia] ⟨custodia⟩ Seckel s v custodia 1 a α aa Schulz Krit Viert 50 (1912) 88 Haymann SZ 40 (1919) 188 Kr Suppl Kerr Wylie Solidarity 292 n 2 Kunkel SZ 45 (1925) 270 sq Arangio-Ruiz responsabilità contratt 105

§ 12 'Rem tibi — verum esse' *genuin*;
[nisi merces — *fin*] (?) Haymann SZ 40 (1919) 179 sq
[nisi merces — actio] De Francisci (?) Synall 1, 182 sqq Segrè Riv dir comm 16, 2 (1918) 241
[nisi merces — agendum erit] Albertario Fil 36 (1911) 812 (Costruzione 'nisi-tunc enim' 14) Kr Suppl
[vel in factum] T *aut* gl De Francisci Synall 1, 183; 2, 62. 191 n 1
[plane — actio] gl De Francisci Synall 1, 183
[si a me — repignerandi] Segrè l c
[a me — repignerandi] Bes 3, 182; cf 4, 79
absit ⟨non⟩ emendat Ed Fraenkel Hermes 60 (1925) 422
creditor [autem] Bes l c Segrè l c
[competere tibi — *fin*] ⟨te mihi in id teneri, ut agas cum creditore⟩ Bes l c
[competere — praestem] Segrè l c
[competere] ⟨dandam⟩ (?) Segrè Stud Fadda 6 (1906) 389 n 1

§ 13 [Cartilius — praestandam] (?) Buckland slavery 11 n 10
[quare — praestandam] Haymann SZ 40 (1919) 181 gl Arangio-Ruiz responsabilità contratt 103 sq
[culpam] Seckel s v custodia 1 a α aa Schulz Grünh Z 38 (1911) 14 sqq Kr

D commodati vel contra 13, 6

5 § 13 Suppl gl Arangio-Ruiz l c ⟨custodiam⟩ Seckel l c Schulz l c Arangio-Ruiz l c
[plane — *fin*] Pernice apud Bremer iurispr antehadr 2, 2, 4 Kr Suppl ca Schulz l c
[nisi — *fin*] Eisele SZ 30 (1909) 112 Kr Schulz l c Haymann l c Arangio-Ruiz l c

§ 14 [verum — *fin*] (?) Seckel s v penes 1 d
[nisi aliud — *fin*] Kr Dig VJR (?) 4, 1, 144, 18. 202, 40

§ 15 [*pp* § 15] Ferrini Arch giur 53 (1894) 300 sq; Glück ital 13, 241 n z (242) Sorrentino Stud Scialoja 1, 645 n 1. 662 n Perozzi Ist 2, 106 n 1 (107) Rotondi Scr giur 2, 113 n 4 (Arch giur 83 (1909) 291 n 2) Lusignani — Schulz Krit Viert 50 (1912) 43 sq Haymann SZ 40 (1919) 219. 234 Paris responsabilité 154 sqq Jörs röm Priv R 164 n 5 cf Stella Maranca Celso 44 sq
[vel locatum simul] Haymann l c Kunkel SZ 45 (1925) 276
[vel locatum] Riccobono Ann Pal 3/4 (1917) 691 n 4 T *aut* gl Levy Konk 1, 212 n 1. 213 n 1 T Kerr Wylie Solidarity 289 sqq Paris l c
[simul] T *aut* gl (?) Levy l c
'et ait — teneam' a T[0] in breve coactum esse suspicantur Eisele Arch z Pr 77 (1891) 436. 437 n 57 Levy l c 213 n 3
[duorum — teneam] Kerr Wylie l c
[neque enim — praestare debere] Haymann l c Paris l c 156
[*pp* verum in — *fin*] Seligsohn iusta possessio (Freib Diss 1927) 29 n 107
[vel locato] Riccobono l c T *aut* gl Levy l c 212 n 1
[quidem effectu] ⟨quadam evectus⟩ Hotoman sec Stella Maranca Celso 44
[sed esse — *fin*] Lusignani respons 1, 62 Seligsohn l c
[sed esse — praestare debere] Kübler Festg Gierke 2, 257 n 2 (258)
[sed esse — et diligentiam et] Kunkel l c 271
[et dolum — diligentiam] Loncao Ann Pal 5 (1917) 95 qui Riccobono auctorem laudat
[et diligentiam] Kerr Wylie l c
'in totum' *genuin* Pringsheim Kauf 152 n 4 (153)
[quare — *fin*] De Ruggiero Bull 19 (1907) 57. 62
[quare — alterum] Ferrini Arch giur 53

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5 § 15 (1894) 300; obbl 416 sq; Glück ital l c Perozzi l c
[duo — habebuntur et] ⟨si furtum fit, unusquisque eorum in solidum tenetur, perinde ac si alteruter culpa sua rem commodatam deteriorem fecisset : sed⟩ Kerr Wylie l c
[si] alter conventus [praestiterit] Eisele Arch z Pr 77 (1891) 435 Ascoli Bull 4 (1891, ed 1892) 290 De Ruggiero l c 56 n 1 Binder Korrealobl 357 sq Seckel Festschr Bekker 340 n 3 Kr Pacchioni Savigny obbl 1, 681 sq Kübler l c Bonfante Ist[8] 378 n 1 Levy l c 187. 213 sqq Kerr Wylie l c ca Hruza Krit Viert 42 (1900) 197
[praestiterit] Ferrini Pand 558 n 3 De Ruggiero lez obbl (1920/21) 109 ⟨sit⟩ Ascoli Stud e doc 11 (1890) 150

7 pr paratus sit ⟨cavere⟩ Kerr Wylie Solidarity 290. 295 sqq
[et absolvi] Levy Konk 1, 216 n 2 Kerr Wylie l c

§ 1 [*pp* § 1] Pernice Labeo[2] 2, 1, 273 n 4 Ferrini Pand 251 n 1
sed si ⟨is qui commodavit⟩; [socium — commodator] ⟨alterum habeat⟩; ne ⟨altero electo⟩; cedere ⟨ea⟩; [si forte — *fin*] Beseler SZ 44 (1924) 368. cf 365
[legis — actionem] ⟨culpa alterius res commodata deterior facta sit, et alter eo nomine condemnetur⟩; ne ⟨alteri condemnato quam adversus alterum habuit commodator actionem, rescisso superiore iudicio⟩; [si forte — *fin*] ⟨et verius est debere, dummodo sine ulla condemnati ipsius culpa damnum datum sit⟩ Kerr Wylie l c 290 sq. 297—303
[si forte — *fin*] Peters SZ 32 (1911) 295
[si forte — remittat actionem] Eisele Arch z Pr 79 (1892) 384 sqq Bonfante (?) Ist[8] 134 n 1
[si forte — compellitur] Eisele SZ 13 (1892) 137 Kr Levy Konk 1, 210 n 5 c (212)
[nisi — *fin*] Alibrandi opp 1, 190 Kann Klagenmehrheit 50 Segrè Stud Fadda 6, 380 n 3 PKrüger Festg Bekker (Aus röm u bürgerl R) 18 Siber Pass Leg 194 Kr Dig VJR (?) 4, 1, 150, 24; 3, 1, 234, 53. 47, 52 Betti opposizione dell' exceptio 62 Levy Konk 2, 1, 57 sqq. 25 n 4; cf SZ 37 (1916) 63 n 6 Pringsheim SZ 41 (1920) 258 n 2 Bes 4, 234 Bonfante l c Biondi compensazione 300 (Ann Pal 12, 1927)

D commodati vel contra 13, 6

10 pr [$\overline{pp}$ pr] Ferrini Dig Mil Haymann SZ 40 (1919) 176 n 6

§ 1 [$\overline{pp}$ § 1] Seckel s v custodia 1 a Buckland slavery 163 n 3 De Francisci Synall 1, 293 Haymann SZ 40 (1919) 177 sqq. 235 n 2
[inspectori] ⟨inspiciendam⟩ Haymann l c
[et ideo — actionem] Beseler SZ 45 (1925) 463 ca Arangio-Ruiz responsabilità contratt 118 n 1
[si quidem ego — commisit] Schulz Grünh Z 38 (1911) 10 sqq Kr Suppl
[si vero — *fin*] (?) Pernice Labeo [1] 2, 354 n 40
[culpam] Kr Suppl ⟨custodiam⟩ Schulz l c
[culpam] gl ⟨custodiam⟩ Arangio-Ruiz l c 119. cf n 1

11 [11] gl Arangio-Ruiz l c 119 sqq
[$\overline{pp}$ 11] Haymann SZ 40 (1919) 178 sq
[non tam idoneum]; [ut — *fin*] Schulz Grünh Z 38 (1911) 11. 13 sq Kr Suppl Guarneri Citati Ann Pal 11 (1923) 320 n (mora 160 n)

12 § 1 [$\overline{pp}$ § 1] (?) Dig Mil
[si dominus — *fin*] Haymann SZ 40 (1919) 179
[si commonendi — commodata] Longo Stud Moriani 1, 206 sq (Stud Sen 22 (1906) 206 sq)
[qui commodatus] ⟨cui commodatum⟩ Gothofredus sec Kr
[commodatus] ⟨commonitus⟩ Schulz Grünh Z 38 (1911) 11 sqq

13 pr [$\overline{pp}$ pr] (?) Kalb Wegw 82 n 3. 139

§ 1 [$\overline{pp}$ § 1] Haymann SZ 40 (1919) 316 n 2

§ 2 [$\overline{pp}$ § 2] Pernice Labeo 3, 1, 247 n 1 von Mayr (?) Cond 196 De Francisci Synall 1, 309 sqq; 2, 350. 377 Guarneri Citati Bull 33 (1923) 219 n 1
[quasi servo] Beseler SZ 44 (1924) 382
actionem. ⟨et puto commodati me agere posse *similiave*⟩ Kalb Wegw 88
actionem ⟨-?-⟩ Partsch neg gest 96 n 2 Kr Suppl
[nam]; [Celsus filius] ⟨Trebatius⟩ (?) Beseler l c
[vel] mandati; [vel praescriptis verbis] Bes 2, 159 Partsch l c Riccobono Ann Pal 3/4 (1917) 684 sq Kr Suppl Beseler SZ 44 (1924) 382 Donatuti mandato 1, 14 sq n (Ann Perug 38, 1927)
me ⟨non⟩ Riccobono l c Donatuti l c
commodato [erit] ⟨esse⟩ Beseler SZ 44 (1924) 382

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13 § 2 [nec obstat — *fin*] Perozzi obbl 100 n 1 (101); cf Ist 2, 17 n 2 (18) De Francisci l l c c Kr Suppl
[$\overline{pp}$ nec obstat — *fin*] Partsch l c
[nec obstat, quod] ⟨quoniam (?)⟩ Riccobono l c Donatuti l c
[nec obstat] ⟨cui sententiae obstare ille (Celsus filius?) recte scripsit⟩; [liber] Beseler SZ 44 (1924) 382 sq
[plerumque — *fin*] Riccobono l c Beseler SZ 44 (1924) 383 Donatuti l c

17 § 1 [$\overline{pp}$ § 1] *gl antiqua* De Francisci Stud Sassaresi 2, 2 (1923) 227
[contraria actio] (?) Gradenwitz Itpp 121
[sicut — *fin*] Partsch neg gest 48 n 1 Biondi iud b f 160 (Ann Pal 7, 1918)
[sicut . . .] (?) VJR 5, 2, 538, 22

§ 2 [$\overline{pp}$ § 2] Guarneri Citati obbl indivis 1, 45 n 1 (Ann Pal 9, 1921)
[est] ⟨sit⟩ Beseler SZ 46 (1926) 94

§ 3 [§ 3] π Bes 3, 86. 106; cf 4, 209
[$\overline{pp}$ § 3] Pernice SZ 9 (1888) 225 n 5. 250 n 2; SZ 19 (1898) 96 n 2. 168 n 1; SZ 20 (1899) 142 n 1 Segrè Riv It sc giur 28 (1899) 214 sq Stud Fadda 6 (1906) 346 n 1; Stud Moriani [1] 2, 296 n 2 (Stud Sen 23 (1906) 296 n 2) Schulz SZ 32 (1911) 93 n 1 Arangio-Ruiz Studi Cagliari 4, 2 (1912) 93 n 2 De Francisci Synall 2, 326 Kübler SZ 38 (1917) 75 Kr Suppl
[finemque — retro agere atque] Betti Bull 28 (1915) 18 n 3
[cum autem — consummare] Biondi iud b f 93 sq. 235 n 1 (Ann Pal 7, 1918)
[cum autem — accipiendumque] Perozzi Ist 2, 17 n 2 (18)
[id est — commodavit] T *aut* gl Eisele SZ 11 (1890) 5 Bertolini app did ser 1, 302 n 2 gl (?) Segrè Riv It sc giur 28 (1899) 214 sq gl Kr
[dandum accipiendumque] ⟨dantem accipientemque⟩ Eisele SZ 30 (1909) 113 ⟨dantem et accipientem⟩ Betti l c 18
[geritur enim — actiones] Pringsheim SZ 42 (1921) 279. 281
[invicem — actiones] ⟨contrarium propositum est iudicium, quo invicem agi potest de eo quod ex bona fide alterum alteri praestare oportet⟩ Betti l c
[ut appareat — actionesque civiles] Betti Bull 25 (1912) 79 n 1; 28 (1915) 18 n 3
[ut accidit — inchoavit] Pringsheim l c

[1] apud Segrè erratum D 17, 3, 17, 3

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17 § 3 voluntatis est [enim] ⟨etiam⟩ Kr 'si pugillares sqq' *genuin* Arangio-Ruiz l c [aut etiam — commodaveris] gl *aut* T Bertolini app did ser 1, 302 n 3 T Heldrich Verschulden 37 sq [contrarium] Partsch neg gest 54 n 2

§ 5 [*pp* § 5] Levy Konk 2, 1, 56 n 6

18 pr [*pp* pr] De Ruggiero Bull 19 (1907) 33 sqq Kübler (?) SZ 39 (1918) 177 sqq. cf 180 n 2 Guarneri Citati obbl indivis 1, 44 et n 3 Kunkel SZ 45 (1925) 271. 283 n 1 Paris responsabilité 118 sqq Jörs röm Priv R 121 n 1 Seckel-Levy SZ 47 (1927) 247 n 2 Arangio-Ruiz Ist[2] 352 n 1; responsabilità contratt 79 n 1. 177. 212 cf Lenel SZ 34 (1913) 381 Riccobono Mél Cornil 2, 316 n 2
[talis — adhibet] Haymann SZ 40 (1919) 204. 221 Paris l c
[talis diligentia] ⟨custodia⟩; [qualem — adhibet] Seckel s v custodia 1 a; s v diligens 1 Kübler Festg Gierke 2, 246 sq. 259 sq Schulz Grünh Z 38 (1911) 29 sq Kr Kunkel l c Arangio-Ruiz responsabilità contratt 79 n 1 ca Leonhard Festg Enneccerus 27 sq Huvelin furtum 353 n 1
[diligentissimus]; [suis rebus] De Medio Bull 20 (1908) 176 sq Loncao[1] Ann Pal 5 (1917) 88. 95. 104
[eos]; [quibus — possit] De Medio l c Loncao l c ca Kunkel l c cf Haymann l c 204 n 1
[quae — accidunt] De Medio l c Loncao l c Haymann l c
[sed videndum — *fin*] Guarneri Citati l c
[ut ita culpae — *fin*] Biondi iud b f 237 n 5 (Ann Pal 7, 1918)
[pignori datis] ⟨societatis⟩ *aut* [pignori] ⟨fiduciae⟩ Hasse Culpa[2] 157. 537 sq
[pignori] ⟨fiduciae⟩ Hasse ZGRW 4 (1820) 234 sq Ubbelohde (?) Realcontr 73 n 108 a. 89 n 151 Voigt ius nat 3, 788 n 1273 Voigt XII Taf 2, 166 n 1 (167) Ferrini Arch giur 53 (1894) 298 De Ruggiero l c Kr Haymann (?) l c

§ 1 [sive autem pignus sive] ⟨si⟩ Biondi iud b f 236—239
[sive — pignus](?) Segrè Stud Fadda 6 (1906) 338 n 1. cf 348 n 1
[pignus] ⟨fiduciae causa data⟩ De Ruggiero Bull 19 (1907) 33—36
[sive deposita] De Ruggiero l c Biondi l c
[actiones] Levy Konk 2, 1, 66 sqq Beseler SZ 44 (1923) 368 sq ⟨formulae⟩ Biondi l c
[si qua — *fin*] ⟨commodati agendo, commodator alteram actionem remittere debet⟩ Biondi l c
[aliae — *fin*] Levy l c Beseler l c

§ 2 [quaeve — essent] (?) Biondi iud b f 140 n 4
[sed et id — *fin*] Beseler SZ 43 (1922) 541
sed [et] id Pampaloni Riv It sc giur 49 (1911) 218
[aut fugae] (?) Biondi l c
[modica — *fin*] Pampaloni l c Biondi l c; compensazione 230

§ 4 [§ 4] π Bes 4, 200 ca Levy Konk 2, 1, 54 n 6
[*pp* § 4] Biondi compensazione 16 n 1. 179 n 2. 200. 276 n 1
[recto] Biondi iud b f 153
[iure pensationis] Biondi compensazione 200. 276 n 1
[sine iudice] (?) Solazzi Rend Lomb 57 (1924) 311 n 3
[dicemus — *fin*] (?) Gradenwitz Itpp 121 n 2 ca Lenel SZ 9 (1888) 180

19 [*pp* 19] Lenel EP[3] 75 (§ 13)
[non] ⟨semper?⟩; [qua enim — *fin*] Haymann SZ 40 (1919) 197
[cura aut diligentia] ⟨custodia⟩ Seckel s v custodia 1 a α ee Schulz Grünh Z 38 (1911) 36 sq; Krit Viert 50 (1912) 88; Einf 47 Kr Suppl Kunkel SZ 45 (1925) 269 sq. cf 279 n 3 Paris responsabilité 122 sq Arangio-Ruiz responsabilità contratt 174

20 [*pp* 20] Arangio-Ruiz l c 119 n
[tam idoneo] Schulz Grünh Z 38 (1911) 17 sq Kr Haymann SZ 40 (1919) 177 Bes 4, 234
[tam] Pernice apud Bremer iurispr antehadr 2, 2, 183
[ut non — tuum non] Haymann l c Bes l c
[ut non — deciperetur] Pernice l c Kr Schulz l c
[erit] ⟨esse⟩ Pernice l c Schulz l c

21 pr [contrarium] Partsch neg gest 54 n 2

§ 1 [pro — parte] Sorrentino Stud Scialoja 1, 645 sqq De Ruggiero (?) Bull 19 (1907) 58 Kr Suppl T *aut* gl Levy Konk 1, 215 n 1

22 [*pp* 22] Dig Mil Buckland slavery 126 n 9 Haymann SZ 40 (1919) 356 Levy Konk 2, 1, 75 n 4

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[1] apud Loncao 104 erratum D 13, 6, 18, 9

D commodati vel contra 13, 6

22 [sufficiat — agendum sit] Heldrich Verschulden 37
[quemadmodum — impendisti] Biondi iud b f 102 sq. 138 sq; a^nes noxales 135
[et furti — *fin*] Lenel 373 Kr (?)
[$\overline{pp}$ et furti — *fin*] Gradenwitz Itpp 120 sq Pernice Labeo [2] 2, 1, 182 n 4; 2, 2, 1, 225 n 2
[quidem] Biondi l l c c
[noxalem] ⟨actionem⟩ (?) Kübler SZ 38 (1917) 109 sqq. 112 n 1
[. . noxalem . . . tunc . . cum . .] (?) VJR 4, 1, 298, 52; 1, 1118, 1
[contraria autem — *fin*] Kübler (?) l c Biondi l l c c Heldrich Verschulden 37

23 [nulla — interveniente] (?); [nam ego — *fin*] Haymann SZ 40 (1919) 176 n 6

D de pigneraticia actione vel contra 13, 7

rubr [vel contra] Partsch neg gest 8 Biondi (?) iud b f 152 n 1 (Ann Pal 7, 1918) Lenel (?) EP [3] 254 (§ 99). 252 n 1 (§ 98)

1 [$\overline{pp}$ 1] Beseler SZ 45 (1925) 223 sq ca Kalinka SZ 47 (1927) 344 sq

pr [pr] Perozzi Stud Schupfer 1, 187 De Francisci Synall 2, 488
[sola] ⟨solum⟩ Hal sec Kr Suppl Eisele SZ 30 (1909) 113

§ 1 [si igitur — conventione] Perozzi Stud Schupfer 1, 187

§ 2 [$\overline{pp}$ § 2] Huvelin furtum 678 sq
[tenebitur — *fin*] Haymann Haftg 1, 120. 124. 134 sq Kr (?) Suppl Beseler SZ 43 (1922) 429 Heldrich Verschulden 34 Lauria Riv dir civ 19 (1927) 337
[praeter — *fin*] Seckel (?) s v praeter 1 Kr

2 inscr [$\overline{pp}$ inscr] (?) Lenel 511
[sexto] ⟨undecimo?⟩ Kr

3 [et, si agente — *fin*] Bremer iurispr antehadr 2, 1, 257 sq
[agente — pigneraticia] Gradenwitz Itpp 114 sq Pernice Labeo [2] 2, 1, 242 n 4; 2, 2, 1, 226 n 3 gl Lenel 652 Huvelin furtum 561 sqq ca Biondi iud b f 94 sq (Ann Pal 7, 1918)
[contraria pigneraticia] Cuq inst 2, 397 n 7 Kr
[replicabitur] ⟨replicabis⟩ Huvelin l c
[per quam — *fin*] Huvelin (?) l c Guarneri Citati Ann Pal 1 (1916) 445 Biondi l c 95 n 3

4 [$\overline{pp}$ 4] De Francisci translatio 28; trasferimento 238. 257 n 1. 260

D de pigneraticia actione vel contra 13, 7

4 [sive ab — postea] gl Ebrard SZ 44 (1924) 535
[dominium rei] ⟨rem in bonis⟩ Bes 4, 128
[sed etsi — *fin*] Albertario in Rotondi Scr giur 2, 582 n 1 Ebrard l c
[si modo — liceat] ⟨si debitori ter fuerit denuntiatum ut solvat et cessaverit⟩ Messina-Vitrano ius distr nel pegno 3—8
[ubi vero — obligatur] gl Bes l c
[nisi ei — *fin*] Windscheid-Kipp Lehrbuch des Pandektenrechts [9] 1, 1200 (§ 237) n 5 Eisele SZ 10 (1889) 298. 304 sq Lenel 2874 Ferrini Pand 515 n 4 Girard manuel [7] 826 n 1 VJR (?) 2, 1, 171, 52; 4, 1, 147, 38; 5, 2, 616, 24 Kr De Ruggiero Stud Cagliari 2 (1910) 65 Rabel Grundz 496 Messina-Vitrano l c Ebrard form hypoth 127 n 11 Bes l c Rotondi l c Bonfante Ist [8] 438 n 1

5 [sive omnino — veneat]; [sive in — *fin*] (?) Messina-Vitrano ius distr nel pegno 5 n 2

6 pr [$\overline{pp}$ pr] Schulz Einf 87 sq Zanzucchi Bull 29 (1916) 81 n 2
[pigneraticium] ⟨fiduciarium⟩: qui [pignus] ⟨fiduciam⟩ Lenel 797 Oertmann fiduc 31 sq. 172. 202 Bremer (?) iurispr antehadr 2, 2, 193 Kr
caveatur [sed] ?; [ex causa — vendendum] Bes 2, 50. 113; cf 3, 74
[quid enim — *fin*] Bes l c Rabel Grundz 496
possit [pignus] ⟨fiducia⟩ Lenel l c Oertmann l c Bremer (?) l c Kr
[melius — *fin*] Faber error 1, 4; coni 8, 14. 12, 16; rat adhl (3, 1, 597) Gradenwitz SZ 7 (1886) 65 n 1; Itpp 22 Lenel l c HKrüger SZ 19 (1898) 37 VJR 1, 596, 17. 795, 21. 1048, 10. 1050, 27; 2, 1, 91, 47. 219, 21; 3, 1, 43, 45; 4, 1, 75, 16 Kr Pringsheim Festschr Lenel 219 ca Manigk pfandr Unt 1, 1, 89 sq cf Kalb RJ 64. 95 sq
dederit [pignus — *fin*] ⟨fiduciam posse eam vendere et accepta pecunia solvere id, quod debeatur ita, ut rem sibi remancipatam praestet emptori(?)⟩ Schulz l c
dederit [pignus] ⟨fiduciam⟩ Oertmann l c
[ita tamen — praestanda] Kalb RJ 95 sq
[pigneratam] ⟨fiduciariam⟩ Oertmann l c
[prius idonea — *fin*] Dernburg Pfandr 2, 8
[prius — praestanda] Cuiac Notae adhl; cf Comment in tit 6 De collat bon lib 37 D ad § 9

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6 § 1 [pigneratum] ⟨fiduciae datum⟩ Lenel 798 Kr ⟨fiduciarium⟩ Oertmann fiduc 32. 202 ca Manigk pfandr Unt 1, 1, 86 —90
[pignus] ⟨fiduciam⟩ Lenel l c Kr ca Manigk l c

8 pr [pignoris] ⟨fiduciae⟩ Gradenwitz SZ 7 (1886) 47; Itpp 191 n 1 (197) Lenel 799 Oertmann fiduc 32. 41. 188. 208 Kr Biondi iud b f 132 sq. 152 n 1 et 5. 161 (Ann Pal 7, 1918) Bonfante Ist[8] 433 n 2 ca Manigk pfandr Unt 1, 1, 17 n 2. 87 n 1. 92. 120 n 1; RE 6, 2288 s v fiducia
causa ⟨mancipio⟩ Gradenwitz SZ 7 (1886) 47 Lenel l c
[non tantum]; [sed — actionem] Biondi l c
[contrariam pigneraticiam] Cuq inst 2, 397 n 7 ⟨fiduciae⟩ Gradenwitz l c
[pigneraticiam] ⟨fiduciae⟩ Lenel l c Oertmann l c Kr
[finge — *fin*] (?) Biondi l c gl (?) HKrüger Grünh Z 41 (1915) 310 ca Scialoja Bull 19 (1907) 178
[et eum decessisse]; [et postea — *fin*] Biondi l c

§ 1 [pignori] ⟨fiduciae⟩ Lenel 799 Oertmann fiduc 32. 212 Manigk pfandr Unt 1, 1, 120 n 1 Kr Guarneri Citati Ann Pal 8 (1921) 404—408
[donec — *fin*] Guarneri Citati l c Kr Nov Suppl
[indemnem — *fin*] ⟨eo nomine recte eum defensum iri⟩ (?) Bes 2, 109

§ 2 [pignori] ⟨fiduciae⟩ Lenel 799 Oertmann fiduc 32. 202 Manigk pfandr Unt 1, 1, 120 n 1 Kr Schulz Einf 91

§ 3 [$\overline{pp}$ § 3] Dig Mil
acceperim [pignus] ⟨fiduciam⟩ Arndts Lehrbuch der Pandekten[14] 709 n 1 (§ 365) Voigt XII Taf 2, 166 n 1 (167) Gradenwitz Itpp 37 Pernice SZ 9 (1888) 209 n 4 Lenel 799 Oertmann fiduc 31 sq. 202 Kr Schulz Einf 89 sq Bonfante Ist[8] 433 n 2
acceperim pignus ⟨vel fiduciam⟩ Manigk pfandr Unt 1, 1, 86 n 2
eam ⟨rem⟩ Manigk RE 6, 2305 s v fiducia III i f
me [pignus] ⟨fiduciam⟩; sit [pignus] ⟨fiducia⟩ Arndts l c Voigt l c Gradenwitz l c Pernice l c Lenel l c Oertmann l c Kr Schulz l c Bonfante l c
[statim — *fin*] Kr Suppl ⟨?; pactum conventum fiduciae causa (?)⟩ Schulz l c

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8 § 3 [ei pacti conventio] ⟨ex pactione venditio *aut* vi pacti venditio⟩ van de Water Observ l 2 c 19 ⟨ex pacto venditio⟩ Sintenis Pfandr 506 n 3 ⟨vi pacti venditio⟩ Dernburg Pfandr 2, 120 ca Bachofen Pfandr 1, 165 n 11

§ 4 [vendendo pignore] ⟨vendenda fiducia⟩ Lenel 799 Oertmann fiduc 32. 202 Kr Pernice[1] Labeo 3, 1, 121 sq
[omnes] ⟨heredes⟩; [sed et] ⟨nam⟩; [etiam]; eius ⟨non⟩; [si — *fin*] Rotondi Scr giur 2, 322 sq cf Kr Suppl

§ 5 [pignus] ⟨fiducia⟩ Lenel 799 Oertmann fiduc 32. 188. 202 Kr
[cetera — veluti] Riccobono Ann Pal 3/4 (1917) 405 sq Biondi iud b f 136 (Ann Pal 7, 1918) Kr Nov Suppl
usuras ⟨quoque, quas debitor solvere cogitur⟩ Riccobono l c
usuras ⟨quoque⟩ Biondi l c
[et quae — *fin*] Riccobono l c Kr Nov Suppl ⟨si tamen pignus in eas obligatum fuerit⟩ Biondi l c

9 pr [aut — sit] Beseler SZ 43 (1922) 429 Heldrich Verschulden 34
[locum — *fin*] ⟨eius rationem habere deberi in contrario⟩ Betti antit 76 n 1
[contrarium] Partsch neg gest 54 n 2
⟨de dolo malo⟩ Beseler l c Heldrich l c

§ 2 [§ 2] π Ebrard form hypoth 40 cf Wlassak Prozeßformel 70 n 33
§ 2 ⟨-⟩ Arndts Lehrbuch der Pandekten[14] 709 n 1 (§ 365)
[hypothecam] ⟨pignus obligatum (?)⟩ Fehr Pfandr 70 sq ca Manigk RE 9, 378. 388 s v hypotheca Jörs röm Priv R 109 n 5. 6
non transit ⟨nec res *aut* nec dominium⟩ Bachofen Pfandr 1, 25 n 1. cf 1 n 1 Manigk pfandr Unt 1, 1, 121 n 5
[nec] gl Βασῆς adn 177
possessio ⟨nec proprietas⟩ Lenel SZ 3 (1882) 106 Manigk RE 9, 343 s v hypotheca ⟨nec proprietas, ut in fiducia⟩ Oertmann fiduc 45 sq ⟨nec ut in fiducia proprietas⟩ Fehr l c
possessio ad creditorem ⟨nec proprietas, ut in fiducia⟩ Wissenbach embl 35 sq von Bassewitz fiducia 27 sqq

§ 3 [ut ab hoc recedat]; [vel nuda conventione] (?); [quotiens — pignore] Bes 3, 144 cf Kr Suppl

§ 5 [licet]; [tamen]; [debet — et] Guarneri Citati Ann Perug 37 (1924) (26 estr)

[1] apud Pernice erratum D 13, 7, 8, 2

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11 § 1 [*pp* § 1]; [debiti obligatio] Solazzi Rend Lomb 59 (1926) 372

§ 3 [sive autem usurae — *fin*] Eisele SZ 11 (1890) 17 sq Kr Siber nat obl 63 cf Pacchioni Riv dir civ 18 (1926) 60
[sive autem — non] Riccobono SZ 43 (1922) 359
[supra — modum] (?) Kalb R J 28
[licitum modum] ⟨centesimam⟩ (?) Lenel 809
[nam — *fin*] (?) Kalb l c

§ 4 [oblato — *fin*] Schulz Einf 98 sq Kr Suppl Guarneri Citati Ann Pal 11 (1923) 220 n 1 (mora 60 n 1)

§ 5 [vel ei cui heres exstitit] Solazzi Rend Lomb 59 (1926) 364 n 1. 368 sq. 369 n 1

§ 6 [*pp* § 6] Buchka Stellvertretung 87 Ferrini Pand 156 n 2. 323 n 1. n 3 Mitteis RPR 213 n 31. 235 n 103 Last Jher Jb 62 (1913) 84 sqq Kohler Z vgl Rw 35 (1918) 69
per [liberam] ⟨extraneam⟩ Solazzi Mem Mod ser 3 vol 11 (1914) 188 sq
personam ⟨quae in nostra potestate non est⟩ Hägerström röm Obligationsbegriff 1, 119
[plerumque — tutorem] Solazzi l c Hägerström l c ⟨quidem⟩ Bes 4, 54 sq
[plerumque] Cuiac Notae in librum 2 Instit Iustiniani; Notae adhl Faber rat adhl (3, 1, 616); ad D 3, 3, 72 (1, 398) Wissenbach embl 36 Mühlenbruch Cession[3] 90 n 190. cf 102 n 209 Dernburg Pfandr 1, 204 n 10 Vangerow Pand[7] 3, 290 Ubbelohde-Glück Serie der Bücher 43 und 44, 1. Teil, 438 n 2 Kniep vac poss 225—231 Lenel 809 Schloßmann Kieler Festg Jhering 248 n 35; Stellvertr 1, 93 n 2; Grünh Z 30 (1903) 349 Dniestrzánski Aufträge zugunsten Dritter 255 n 1 Bonfante Ist[8] 436 n 1 Cornil possession 225 n 1 Kr Solazzi Bull 22 (1910) 87 n 1 —4 Peters SZ 32 (1911) 206 Pacchioni contr (1912) 79 Mitteis Leipzig Festschr Wach 5 Schulz Einf 76
[plerumque] ⟨quidem (?)⟩ Schloßmann Besitzerwerb 49. 88. 145
plerumque [vel tutorem] Alibrandi opp 1, 275 (teoria del possesso 76) Bonfante Ist[8] 353 n 5 Kr Suppl ca Last l c
[et ideo — convenientur] Beseler SZ 45 (1925) 463
[ipsi] ⟨ipse⟩; [convenientur] ⟨convenietur⟩ Bes 4, 54 sq Hägerström l c

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11 § 6 posse per [liberam personam] Kr Suppl ⟨procuratorem vel tutorem⟩ Kniep l c Peters SZ 32 (1911) 206 Last l c 80 n 5 ⟨procuratorem⟩ Mitteis RPR 212 n 27 Solazzi l c Schulz l c Bes l c Fabricius Institor 19 n 5
[*pp* ipsam autem obligationem — *fin*] Pacchioni Grünh Z 30 (1903) 235 ca Schloßmann Grünh Z 30 (1903) 349 Peters l c 206 n 1
procuratorem [vel tutorem] Alibrandi l c Solazzi l c Bonfante l c Bes l c Kr Suppl Hägerström l c
[libera persona] ⟨procurator⟩ Solazzi l c Schulz l c Bes l c Kr Suppl Hägerström l c
[non semper] Cuiac Notae in librum 2 Instit Iustiniani; Notae adhl; Comment ad tit 27 per qual l 4 Codicis; in libr 4 prioris Codicis Iustiniani ad tit 27 Faber l c Wissenbach l c Mühlenbruch l c Dernburg l c Schloßmann Kieler Festg Jhering 248 n 35; Stellvertr 1, 93 n 2; Grünh Z 30 (1903) 349 Cornil l c
[semper] Bachofen Pfandr 1, 17 n 21 Ubbelohde-Glück l c Vangerow l c Kniep l c Lenel l c Schloßmann Besitzerwerb 49. 88. 145 Kr Mitteis l c Pacchioni l c Schulz l c Solazzi l c VJR (?) 5, 2, 339, 34 Bes l c Bonfante Ist[8] 436 n 1 Hägerström l c

§ 7 [meus vel tutor] Solazzi Mem Mod ser 3 vol 11 (1914) 190 sq
[vel tutor] Kr Suppl Donatuti Bull 33 (1923) 201
[quod — *fin*] Bonfante Scr giur 3, 250. 253 (Stud Schupfer 1, 3. 5); Ist[8] 262 n 1 Mancaleoni Fil 26 (1901) 87 sq Kr Mitteis RPR 235 n 104. cf n 103 Peters SZ 32 (1911) 206 n 1 Solazzi l c Donatuti l c

12 [ab eo — *fin*] Bonfante Scr giur 3, 253 n 2 (Stud Schupfer 1, 6 n 2) Mancaleoni Fil 26 (1901) 88 Donatuti Bull 33 (1924) 201

13 inscr [trigensimo] ⟨vicensimo⟩ Mommsen Dig Lenel 810; EP[3] 254 n 5 (§ 99) Kohler Arch bürg Recht 15 (1899) 58 n 250 Dig Mil adhl Kr

pr [ob hanc — *fin*] Bes 3, 182 sq ca Biondi iud b f 236 n 1 (Ann Pal 7, 1918) Levy Konk 2, 1, 67 n 5
[pigneraticiis actionibus] Biondi l c 235 Levy l c Lenel EP[3] 255 (§ 99) ⟨pigneraticia actione⟩ (?) Segrè Stud Fadda 6 (1906) 381 n 2
[sed et — *fin*] Faber error 22, 9; rat

D de pigneraticia actione vel contra 13, 7

13 pr adhl (3, 1, 619) Bechmann (?) Kauf 2, 1, 536 Eisele A[0] utilis d Cessionars 23 (Freib Festschr Planck 1887); SZ 13 (1892) 125; Beitr 78 sq Pernice Labeo 3, 1, 194 n 2 HKrüger Grünh Z 24 (1897) 408 Kohler (?) Arch bürg Recht 15 (1899) 59 sq Ferrini obbl 511. 527. 712 v Mayr SZ 26 (1905) 96 n 5 Schulz SZ 27 (1906) 87 n 3 Segrè l c VJR (?) 2, 1, 83, 40; 2, 2, 489, 31 Siber PassLeg 120 Kr Mitteis (?) RPR 189. 208 n 16 i f Fehr Pfandr 80 n 99 Pacchioni contr (1912) 43—46 Drechsler A[0] utilis d Cessionars 57 n 2 (Freib Diss 1914) De Francisci Synall 2, 148 Albertario Rend Lomb 58 (1925) 354 n 6 ca Oertmann Arch bürg Recht 12 (1897) 269 cf Hellwig Verträge auf Leistung an Dritte 35
debitor [aut]; rem ⟨mancipi intra annum (sive biennium)⟩; [aut in factum — *fin*] Kohler l c

§ 1 [§ 1] Haymann SZ 40 (1919) 217 sq Arangio-Ruiz responsabilità contratt 153 sq
[$\overline{pp}$ § 1] Paris responsabilité 182 sqq
[hac actione] ⟨hoc iudicium⟩ Segrè Stud Fadda 6 (1906) 381 n 2

14 [14] Haymann SZ 40 (1919) 227 cf Kunkel SZ 45 (1925) 282
[$\overline{pp}$ 14] Kübler (?) Festg Gierke 2, 247 n 1; SZ 39 (1918) 177 sqq. cf 180 n 2 Levy Gruchots Beiträge 56 (1912) 821 sq

15 [$\overline{pp}$ 15]; [pigneratum] ⟨fiduciae causa mancipatum⟩ (?) Ubbelohde Realcontr 89 n 151 ca Lenel 812

16 pr [lege — refragante] Lenel 448; SZ 35 (1914) 171 sq Seckel (?) s v refragari Kr Solazzi Min età 121 n 3; curator impuberis 162 Partsch neg gest 84 n 1 Bonfante corso 1, 442 n 1
[idem — *fin*] Solazzi Min età 121 Kr Suppl ca Lenel SZ l c
[adulescentis vel] (?) Partsch l c
[adulescentis] ⟨prodigi⟩ Partsch (?) l c ⟨pupilli⟩ Solazzi curator impuberis 162 n 1 Kr Nov Suppl

§ 1 [$\overline{pp}$ § 1] Haymann Haftg 1, 52 n 2. 98 sq Biondi[1] iud b f 150 n 1. cf 152 n 5 (Ann Pal 7, 1918) Arangio-Ruiz Stud Cagliari 4, 2 (1912) 90 n 6
[contrariam — certum est] Lenel 448; SZ 35 (1914) 171 sq Gradenwitz Itpp

[1] apud Biondi erratum D 13, 6, 16 1

D de pigneraticia actione vel contra 13, 7

16 § 1 118 VJR (?) 1, 723, 18. 1052, 41 Kr Solazzi Min età 121 Beseler SZ 43 (1922) 429 Heldrich Verschulden 33 sq. cf 39
proinde si ⟨sciens⟩ Heldrich l c
dedit ⟨de dolo malo actione⟩ Beseler l c Heldrich l c
[quamvis — eum non excusat] Beseler l c
[sed utrum —*fin*] Heldrich l c
[et quantum — iudicium] Riccobono SZ 31 (1910) 363 n 4
[contrarium — *fin*] ⟨ratio eius in contrario iudicio non habebitur⟩ Betti antit 76 n 1
[sed si — *fin*] Beseler l c

§ 2 [sed — *fin*] Baviera Scr giur 1, 179 Bes 1, 103; 2, 99 Albertario peg superfic 20 sqq; Fil 37 (1912) 806. cf 805 n 2; hodie 11; poss superfic 32. 40 Kr Suppl Bonfante Ist[8] 435 n 1
[— utiles actiones —] (?) Lenel EP[3] 478 (§ 249)

17 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam⟩ Fehr Pfandr 40 sqq

17 [$\overline{pp}$ 17] Ebrard form hypoth 115. cf 134 ca Buckland Yale Law Journal 33 (1923/24) 355
[ut] Buckland l c
[mercedis soli] Albertario peg superfic 21 sq; ⟨vectigalis⟩ Fil 37 (1912) 805 sq cf Bonfante Ist[8] 435 n 1

18 pr [ut et — tueatur] Drechsler A[0] utilis d Cessionars 79 (Freib Diss 1914)
[ergo — *fin*] Biondi compensazione 276 sq (Ann Pal 12, 1927)

§ 1 adcreverit pignori ⟨non⟩; [eadem — *fin*] Pampaloni Bull 22 (1910) 135

§§ 1 et 2 [erit — alluvionis § 2 si] ⟨erit § 2 eadem — alluvionis; set si⟩ Huschke Z f Z u Pr 20 (1844) 250 sq ca Vangerow Pand[7] 1, 827

§ 2 [sicut — *fin*] gl Scialoja Dig Mil Berger SZ 31 (1910) 449 Schulz Bonn Festg Zitelmann 136
[sicut] ⟨secus⟩ Faber error 60, 4 ca Vangerow Pand[7] 1, 827

§ 3 esset (?) Eisele SZ 13 (1892) 144 ⟨licet materia ex ea silva caesa pignori sit⟩ Kr
[quia — navis] Eisele l c Fehr (?) Pfandr 116 sq. cf 136
[et ideo — *fin*] Beseler SZ 45 (1925) 463
[nominatim — pignore] Eisele l c Fehr (?) l c Manigk RE 9, 390 s v hypotheca
esse [ait] Eisele l c

§ 4 [$\overline{pp}$ § 4] Ebrard form hypoth 86 n 13

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19 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam⟩ Fehr Pfandr 40 sqq

19 [$\overline{pp}$ 19] Ebrard form hypoth 86 n 13. 113 n 64

20 inscr [nono] ⟨nono vicensimo⟩ Florentina cf Kr

§ 3 [tamen — est] ⟨pigneraticia formula agenti debitori exceptio obstabit⟩; [suum]; debitore ⟨: nam creditor ita excipiet 'nisi ea res possidenti sibi a debitore venierit'⟩ Beseler SZ 47 (1927) 365

21 inscr [brevium] ⟨brevis edicti⟩ F 2 sec Kr

22 pr [$\overline{pp}$ pr] Faber rat adhl (3, 1, 634 sqq); error 81, 4 Ubbelohde Realcontr 89 n 151 Kübler (?) SZ 39 (1918) 181
[pignore subrepto] ⟨fiducia subrepta⟩ Ubbelohde l c Voigt 12 Taf 2, 166 n 1 (167) Lenel SZ 3 (1882) 108; Ulpianus 902; EP 3 291 (§ 107) Oertmann fiduc 22. 92. 96. 105. 166 sq. 182. 184 sq. 252 Pflüger SZ 18 (1897) 112 Seckel s v fiducia 2; s v custodia 1 a *β* Kr Manigk RE 6, 2307 s v fiducia Pacchioni Glück ital 13, 13 n g Cugusi Glück ital 13, 398 n a Schulz SZ 32 (1911) 58 sq Rotondi Scr giur 2, 147 Huvelin furtum 592 n 5 Haymann SZ 40 (1919) 230. 243 n 4 Bonfante Ist 8 433 n 2 Hägerström röm Obligationsbegriff 1, 128 ca Karlowa RG 2, 563
[etiamsi — factum sit] Haymann l c Levy Konk 2, 1, 166 n 2; cf 1, 343 n 5 ca Seckel s v custodia 1 a *β*
[multo — consecutus est]; [vel condictione]; [quod ipse — praestitit] Levy l c

§ 1 [$\overline{pp}$ § 1] Ubbelohde Realcontr 88 n 149
[pigneratum] ⟨fiduciae datum⟩ Ubbelohde (?) l c Lenel SZ 3 (1882) 109; Ulpianus 902; EP 3 291 (§ 107) Gradenwitz SZ 7 (1886) 47; Ungültigkeit 34 sq Oertmann fiduc 22. 92. 96. 105. 166 sq. 184 sq. 252 Kr Pacchioni l c Cugusi l c Huvelin furtum 592 n 5 Bonfante Ist 8 433 n 2 ca Karlowa RG 2, 563
[tradiderit] ⟨mancipaverit⟩ (?) Ubbelohde l c ⟨remancipaverit⟩ Lenel (?) l c Gradenwitz l l c c Oertmann l c
[pignori] ⟨fiduciae⟩ Ubbelohde (?) l c Lenel l c Gradenwitz l l c c Oertmann l c Kr Huvelin l c Bonfante l c ca Karlowa l c

§ 2 [pignori] ⟨fiduciae⟩ Lenel SZ 3 (1882) 109; Ulpianus 902; EP 3 291 (§ 107) Gradenwitz SZ 7 (1886) 47 Oertmann fiduc 22. 92. 96. 105. 166 sq. 177. 184 sq. 252 Seckel s v fiducia 2 Kr Manigk RE 6, 2307 s v fiducia Huvelin furtum

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22 § 2 592 n 5 Betti (?) Att Tor 55 (1919/20) 106 sq. 114 Bonfante Ist 8 433 n 2 ca Karlowa RG 2, 563
[pigneraticia] ⟨fiduciae⟩ Lenel l c Oertmann l c Pernice Labeo 2 2, 1, 347 n 3 Kr Manigk l c Betti (?) l c Bonfante l c ca Karlowa l c
[et vindicari extantes]; [et consumpti] Betti l c

§ 3 [$\overline{pp}$ § 3] Ubbelohde Realcontr 89 n 151
[distractum pignus] ⟨distractam fiduciam⟩ Ubbelohde l c Lenel SZ 3 (1882) 109; Ulpianus 903; EP 3 291 (§ 107) Kniep vac poss 249 Oertmann fiduc 23. 92. 96. 105. 166 sq. 184 sq. 209. 252 Seckel s v fiducia 2 Kr Huvelin furtum 592 n 5 Biondi iud b f 167 (Ann Pal 7, 1918) Bonfante Ist 8 433 n 2 ca Karlowa RG 2, 563
conduxit [pignus] ⟨fiduciam⟩ Lenel l c Kniep l c Oertmann l c Seckel l c Kr Huvelin l c Biondi l c Bonfante l c ca Karlowa l c
[contrario iudicio] Gradenwitz (?) Itpp 121 Kr Nov Suppl
[contrario] Partsch neg gest 54 n 2 ⟨in rem?⟩ Biondi l c

§ 4 [§ 4] Haymann SZ 40 (1919) 226. 309 n 1 (310)
[$\overline{pp}$ § 4] Gradenwitz Itpp 80 sq. cf 120 Pernice Labeo 2 2, 1, 100 n 1 Ferrini Dig Mil Kübler SZ 39 (1918) 181 Biondi iud b f 162. cf 152 n 5
[pignus] Guarneri Citati Ann Pal 8 (1921) 410. cf 406 n 1 ⟨fiduciam⟩ Lenel SZ 3 (1882) 109; Ulpianus 903; EP 3 291 (§ 107) Oertmann fiduc 23. 92. 96. 105. 166 sq. 184 sq. 211. 214. 252. Seckel s v fiducia 2; s v regredi 2 Kr Manigk RE 6, 2307 s v fiducia Rotondi Scr giur 2, 151 sq (Riv It sc giur 51 (1912) 151 sq) Huvelin furtum 592 n 5 Bonfante Ist 8 433 n 2 ca Karlowa RG 2, 563
[nam — *fin*] Guarneri Citati l c
[nam usu — condemnatus] Haymann l c
[an — *fin*] Kr Suppl
[pigneraticiae — actionis] gl Lenel SZ 9 (1888) 178 sq T Seckel (?) l c Huvelin l c Kr
[pigneraticiae] ⟨fiduciae⟩ Lenel SZ 3 (1882) 109; Ulpianus 903; EP 3 291 Gradenwitz l c Oertmann l c Rotondi l c
[et potest — *fin*] (?) Gradenwitz l c
[si modo sine — *fin*] Haymann l c
[si modo sine — id gessit] Rotondi l c
[— emolumentum — attulit —] (?) VJR 1, 204, 18; 2, 2, 476, 41
[venderet] ⟨vendidit⟩ Ferrini Dig Mil

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23 [ex re — victus eam] ⟨consecutus est, re obligata evicta duplam⟩ (?) Kr obligata ⟨?⟩ Lenel 27 Dig Mil

24 pr [pr] (?) Faber def 8, 31, 20 n 26; cf 8, 30, 49 n 29
[$\overline{pp}$ pr] Pernice Labeo 3, 1, 121 n 1 Rabel Grundz 485 n 4 Steiner dat in sol 64 sqq Koschaker SZ 37 (1916) 368 Beseler SZ 43 (1922) 437 De Francisci Bull 33 (1924) 258 Bonfante Ist [8] 408 n 2 Lenel EP [3] 299 n 6 (§ 110 (111)) Biondi compensazione 9 n 1. 177 (Ann Pal 12, 1927)
[pignus] ⟨fiduciam⟩; [idque evictum] ⟨eaque evicta⟩ Lenel SZ 3 (1882) 110; Ulpianus 903; EP [3] 291 (§ 107) Gradenwitz SZ 7 (1886) 47; Itpp 120 Oertmann fiduc 23. 176. 182. 203 Eisele SZ 13 (1892) 137 Appleton comp 24 sq (NRH 19 (1895) 494 sq) Cugusi Glück ital 13, 398 n a Kr Bes 3, 144 ca Naber Mnem 21 (1892) 133 Karlowa RG 2, 563 sq Manigk pfandr Unt 1, 1, 87 n 1. 120 n 1; cf RE 6, 1, 2310 s v fiducia V Perozzi obbl 100 n 1 (103) De Francisci Stud Senesi 24 (1906) 381 sqq. 385 sq
[an — pigneraticiam] Biondi iud b f 162 sq. 241 (Ann Pal 7, 1918)
[contrariam pigneraticiam] ⟨compensationem⟩ Naber l c ⟨contrarium pigneraticium⟩ (?) De Francisci l c 381 sqq
[pigneraticiam] ⟨fiduciae⟩ Lenel l c Gradenwitz l c Oertmann l c Eisele l c Kr Bes 3, 144 ⟨fiduciae actionem⟩ Appleton l c ca Karlowa l c Manigk l c Perozzi l c De Francisci l c
[et videtur — *fin*] Faber error 100, 8 De Francisci l c
[videtur — recessum] Segrè Stud Simoncelli 338
[pignoris] ⟨fiduciae⟩ Lenel l c Gradenwitz l c Oertmann l c Eisele l c Pernice l c Bes 3, 144 Appleton l c Kr ca Naber l c Karlowa l c Manigk l c Perozzi l c De Francisci l c
[et a — recessum] Bes 3, 144. 183 De Francisci Synall 2, 426
[contractu] ⟨pacto⟩ Pernice l c
[immo — *fin*] Appleton l c Ferrini obbl 585 Trincheri Glück ital 16, 261 sq Kr De Francisci evizione 14. 11 n Biondi compensazione 177
[$\overline{pp}$ immo — *fin*] (?) VJR 1, 841, 32. 842, 30. 1047, 22. 1091, 8; 2, 1, 95, 42; 5, 2, 617, 17

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24 pr [immo] Albertario Ann Perug 31 (1919) 31 n (estr) Biondi iud b f l c
[vel in — intersit] Naber l c Rabel (?) Haftg 1, 114
[et compensationem — *fin*] Eisele SZ 13 (1892) 137; Beitr 244 Geib Compens 17 n 1 Biondi iud b f l c
[pigneraticia] ⟨fiduciae⟩ Lenel l c Gradenwitz l c Oertmann l c Kr ca Naber l c Karlowa l c Manigk l c Perozzi l c De Francisci Stud Senesi l c

§ 1 [§ 1] (?) Faber def 8, 31, 20 n 26; cf 8, 30, 49 n 29
[$\overline{pp}$ § 1] Faber rat adhl (3, 1, 644 sqq) [pigneraticiam] ⟨fiduciae⟩ Lenel SZ 3 (1882) 111; Ulpianus 904; EP [3] 291 sq (§ 107) Oertmann fiduc 23. 182 Cugusi Glück ital 13, 398 n a Kr ca Karlowa RG 2, 563 sq De Francisci Stud Senesi 24 (1906) 387. 390
[actionem] (?) Biondi iud b f 152 n 5
[pigneraticia] ⟨fiduciae⟩ Lenel l c Oertmann l c Cugusi Kr ca Karlowa l c De Francisci l c
[reprobis videlicet — *fin*] Lenel Ulpianus 904 Eisele SZ 11 (1890) 18 Kalb RJ 139 n 1 De Francisci l c 383 Kr

§ 2 [$\overline{pp}$ § 2] Faber def 8, 31, 20 n 26; cf 8, 30, 49 n 29; rat adhl (3, 1, 644 sqq) De Francisci l c 383 sq
[pignus] ⟨fiduciam⟩; [pigneraticio] ⟨fiduciae⟩ Lenel SZ 3 (1882) 111; Ulpianus 904; EP [3] 291 (§ 107) Oertmann fiduc 23. 182. 193 Cugusi Glück ital 13, 398 n a Kr ca Karlowa RG 2, 563 sq Manigk RE 6, 1, 2310 s v fiducia V
[ad superfluum — suscipere actiones adversus emptorem] Bes 3, 183
[an vero — suscipere actiones adversus emptorem] gl Pernice Labeo [2] 2, 2, 1, 164 n 1 Kr
debeat ⟨debitor⟩ Lenel SZ 3 (1882) 111
[— emptor solvat —] gl (?) VJR 5, 2, 613, 52
[$\overline{pp}$ sed aut — ei actiones adversus emptorem] (?) Bes l c
[periculo — *fin*] Bes l c Kr (?) Suppl
[quod si — *fin*] gl (?) De Francisci l c

§ 3 [$\overline{pp}$ § 3] De Francisci Stud Senesi 24 (1906) 384 sq
[pigneraticio] ⟨fiduciae⟩ Lenel SZ 3 (1882) 111; Ulpianus 904; EP [3] 291 (§ 107) Oertmann fiduc 23 sq. 191 Pernice Labeo [2] 2, 2, 1, 115 n 3 Marchi Bull 16 (1904) 259 Cugusi Glück ital 13,

D de pigneraticia actione vel contra 13, 7

24 § 3 398 n a Kr ca Karlowa RG 2, 563sq Manigk RE 6, 1, 2310 s v fiducia V
[res pignori datas] ⟨servos *aut* mancipia fiduciae datos *aut* data⟩ Marchi l c
[pignori] ⟨fiduciae⟩ Lenel l c Oertmann l c Cugusi l c Kr Rotondi Scr giur 2, 147 ca Karlowa l c Manigk l c
[pigneraticia] ⟨fiduciae⟩ Lenel l c Oertmann l c Cugusi l c Kr ⟨fiduciae actione⟩ Pernice l c ⟨fiduciae iudicio⟩ Marchi l c ca Karlowa l c Manigk l c
[— creditorem —] (?) VJR 1, 1049, 43
[quare — *fin*] Pernice l c Marchi l c De Francisci l c Kr Bonfante corso 1, 150 n 2
[pignus] ⟨fiducia⟩ Lenel l c Oertmann l c ca Karlowa l c Manigk l c

25 inscr [idem] ⟨Paulus⟩ Lenel Paulus 481; EP [3] 291 n 3 (§ 107) Oertmann fiduc 25 Dig Mil Kr Eisele SZ 30 (1909) 113sq Riccobono Ann Pal 3/4 (1917) 336 n 1 (dir rom class) ca Landucci Arch giur 28 (1882) 412 n 2
[primo] Landucci l c

25 [25] Haymann SZ 40 (1919) 226 sq
[*pp* 25] Gradenwitz Itpp 120 VJR(?) 2, 1, 83, 46. 152, 27; 5, 2, 516, 12. 522, 13 et 16. 529, 16. 535, 50 Riccobono Lez d'ist dir rom 1907, 404 n 5 Eisele SZ 30 (1909) 113 sq Kübler SZ 39 (1918) 181 Biondi iud b f 131. 152 n 5. 161. 241 (Ann Pal 7, 1918)
[pigneratos] ⟨fiduciarios⟩ Lenel SZ 3 (1882) 113 sq Oertmann fiduc 24. 149. 170. 208 ⟨fiduciae datos⟩ Lenel Paulus 481; EP [3] 291 (§ 107) Rotondi Scr giur 2, 152sq (Riv It sc giur 51 (1912) 152sq) Riccobono Ann Pal 3/4 (1917) 336sqq. cf 353 n 1
[si quidem iam — *fin*] Kr
debitoris [erit actio contraria] ⟨iudicio fiduciae sumptus reciperabit, item si necessarias impensas fecerit in servum, quem fiduciae causa acceperit, ut puta ...⟩; [si vero — tamen sic, ut] ⟨impensarum nomine onerari debitorem ignorantem vel invitum non oporteret, ne⟩ Riccobono l c
[nihil — intercessit] Levy SZ 37 (1916) 69 n 6
[pro — sumptuum] ⟨propter sumptus⟩ Riccobono l c
[quantitate] Levy Konk 2, 1, 147 n 6
[sicut enim — patitur] Kunkel SZ 45 (1925) 327 sq

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25 [dolus et culpa] ⟨bona fides⟩ Rotondi l c ⟨fides⟩ Riccobono l c
[talem] ⟨pretiosiorem⟩ Riccobono l c
[rem pigneratam] ⟨rem fiduciae datam⟩ Lenel SZ 3 (1882) 113 sq Oertmann l c Riccobono l c ⟨*aut* fiduciam⟩ Lenel Paulus 481; EP [3] 291
[ad reciperandum] ⟨fiduciae liberatio⟩ Riccobono l c
grandem [pignori] ⟨fiduciae⟩; acceptum [pignori] ⟨fiduciae⟩ Lenel l c Oertmann l c Riccobono l c
[aequum] Guarneri Citati obbl indivis 1, 137 n 1 (138) (Ann Pal 9, 1921)
[medie — *fin*] Riccobono l c Albertario arb b v d debitore n determinazione d prestazione 32 n; alterazioni pregiust D 5, 4, 3p 8 n 10; arb b v n onerato d fedecommesso 7 n 4 (Studi Zanzucchi)

26 pr [*pp* pr] Bes 4, 195
constitui [cum] ⟨ex⟩ Dernburg Pfandr 1, 285
[cum patre — *fin*] Bes l c

27 [*pp* 27] (?) Bes 2, 159
[exhibere — est] (?); Siber Pass Leg 81 sq
[propria — *fin*] Siber (?) l c De Francisci Synall 1, 315

28 pr [nisi — *fin*] Eisele (?) SZ 10 (1889) 305 Ferrini Dig Mil Kr Naber Mnem 38 (1910) 248 VJR(?) 4, 1, 145, 43; 5, 2, 618, 5 Ebrard form hypoth 66 n 67 Levy SZ 42 (1921) 500 n 4
[ei — *fin*] ⟨litis aestimationem⟩ Betti lit aest 1, 30
[debitor — *fin*] (?) Rechnitz Julian 49

§ 1 [competit] ⟨datur⟩ Rechnitz l c

29 [idcirco — *fin*] Rechnitz Julian 42

30 [sed si debitor — *fin*] Haymann SZ 40 (1919) 201 n 2. 227 Kr Nov Suppl
culpam ⟨et custodiam⟩ Seckel s v custodia 1 a

31 [*pp* 31] Ubbelohde Realcontr 88 n 149 (89) Segrè Stud Fadda 6 (1906) 355 n 3 (358) Kübler SZ 38 (1917) 91sq Bonfante Ist [8] 456 n 2
⟨his etiam illud consequens esse ait, ut, et⟩ si servus [pignori datus creditori] ⟨, quem creditori fiduciae causa mancipaveris,⟩; [faciat] ⟨ei fecerit⟩; [est debitori] ⟨tibi sit⟩; [deditione] ⟨dedito⟩; [pignori mihi dederit] ⟨mancipaveris⟩; [fuerit] ⟨fueris⟩; apud [me] ⟨creditorem⟩; [habiturum — praestet] ⟨agendo contraria fiduciae consequetur, ut ei damnum decidas⟩; [depositus — servus]

31 ⟨amico fiduciae causa servus mancipio datus⟩ furtum ⟨ei⟩ faciat Ferrini Arch giur 52 (1894) 494 sq. 495 n 1; Glück ital 13, 260 et n 1
[si servus — praestet] Bes 2, 109
servus [pignori datus] ⟨fiduciae causa mancipatus⟩ Göppert SZ 13 (1892) 341—345
servus [pignori] ⟨fiduciae⟩ Ubbelohde l c Lenel Africanus 108. cf Gaius 223 Heck SZ 10 (1889) 125 sq Oertmann fiduc 41. 208 Segrè l c De Ruggiero Bull 19 (1907) 26 et n 2 Kr Eisele SZ 30 (1909) 146 Kübler SZ 38 (1917) 91 sq
[quod — praestet] Biondi iud b f 104. cf 162 (Ann Pal 7, 1918) ca Heldrich Verschulden 31 sq
furem [pignori] ⟨fiduciae⟩ Ubbelohde l c Lenel l c Heck l c Oertmann l c Segrè l c De Ruggiero l c Kr Eisele l c Kübler l c
[pigneraticiam — praestet] Heldrich l c
[pigneraticiam] ⟨fiduciae⟩ Ubbelohde l c Lenel l c Oertmann l c Segrè l c De Ruggiero l c Kr Eisele l c Kübler l c
[eadem — *fin*] Eisele Arch z Pr 84 (1895) 341 VJR (?) 1, 1119, 2; 3, 1, 314, 29; 5, 2, 385, 24 ⟨—⟩ Lenel l c Oertmann l c Pernice Labeo[2] 2, 2, 1, 230
[eadem] ⟨multo magis haec⟩ Kübler l c
[etiam — *fin*] Kr
[depositus — servus] ⟨servus receptus⟩ Heck l c ⟨servus fiduciae causa amico mancipatus⟩ Göppert l c Kübler l c
[depositus vel commodatus] ⟨—⟩ Pernice SZ 9 (1888) 227 n 6 Biondi l c ⟨amico fiduciae causa mancipio datus⟩ De Ruggiero l c

32 qui ⟨sciens⟩ Heldrich Verschulden 34 ⟨non⟩ potest; [contraria pigneraticia] ⟨de dolo malo⟩; [etsi] ⟨si⟩ Beseler SZ 43 (1922) 429 Heldrich l c

33 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam⟩ Fehr Pfandr 40 sqq

33 [*pp* 33] Ebrard form hypoth 116. cf 134

34 [*pp* 34] Oertmann fiduc 36 sq. 147 sqq. 170
[credidisset] ⟨ob eam⟩; pecuniam ⟨quam⟩; [Sempronio] ⟨Sempronius⟩; [et ob — pignus] ⟨fiduciam⟩ Heck SZ 10 (1889) 87—93
[pignus] ⟨fiduciam⟩ Lenel 278 Oertmann l c Kr Manigk pfandr Unt 1, 1, 86 n 2. 101 n 2 Fehr (?) Pfandr 124 n 5 ca Manigk RE 6, 2304 sq s v fiducia III i f creditore ⟨Sempronius⟩ Kr

34 [certo pretio] (?) Fehr l c

35 pr [nec — *fin*] Siber SZ 45 (1925) 182

§ 1 [potest — *fin*] Perozzi Ist[1] 2, 233 n 3

36 pr pignore ⟨contrahendo⟩; [qualiter—specie]; [scribit] ⟨scripsit⟩; fecisse, [non] furem ⟨non⟩ esse; [pigneraticium] ⟨hoc⟩; [sed et extra — *fin*] Beseler SZ 43 (1922) 429 sq
[pigneraticium] ⟨hoc⟩ Heldrich Verschulden 32 sq
[sed et extra — plectetur] Pernice Labeo[2] 2, 1, 207 n 3

§ 1 [vel si quis — *fin*] ⟨hac actione tenebitur⟩ Beseler SZ 43 (1922) 430
[vel si quis — plectetur] ⟨hac actione tenebitur⟩ Heldrich Verschulden 32 sq
[vel si quis — obligavit] (?) Gradenwitz Itpp 236
[nec — certioraverit] Gradenwitz l c Lenel 386 Erman Grünh Z 31 (1904) 586 VJR (?) 3, 1, 207, 9 ca Kalb RJ 91. cf n 1; J Ber klass Alt 134 (1907) 85
[plane — *fin*] De Francisci trasferimento 223 Heldrich l c

37 [*pp* 37] Dig Mil Rabel Grundz 438 n 1
[pignus — traditum] ⟨fiduciam⟩ Mancaleoni Fil 23 (1898) 672 sq
[pignus] ⟨fiduciam⟩ Lenel (?) 1111 Riccobono Arch giur 50 (1893) 270 sqq ca Riccobono Bull 6 (1894) 150 sqq
[domino] ⟨debitori⟩ Lenel (?) l c Biondi iud b f 133 n 2 (135) (Ann Pal 7, 1918) ca Mancaleoni l c
[possessio] ⟨possessor⟩ *Βασῆς* adn 177
[cum et — *fin*] Beseler SZ 44 (1924) 375
[cum] Riccobono Arch giur 50 (1893) 270 sqq; cf Bull 6 (1894) 150 sqq

39 [pignori] ⟨fiduciae causa⟩ Eck SZ 9 (1888) 75 n 3 ⟨amico fiduciae⟩ Heck SZ 10 (1889) 87—94 ⟨fiduciae⟩ Oertmann fiduc 18. 49 sq. 107. 147 sqq
[pignus suum] ⟨fiduciam suam⟩ Eck l c Oertmann l c
pignus [suum] (?) Heck l c
[Lucio Titio] ⟨Gaio Seio⟩ Cuiac in lib 4 Respons Heren Modest Recitationes solemnes ad l 39 D 13, 7 Manigk pfandr Unt 1, 1, 134; cf Gläub 58 n 1 Kr
[contractui pignoris] De Francisci Synall 2, 426
[contractui] ⟨pacto⟩ (?) Oertmann l c ca Perozzi obbl 100 n 1 (103)
[pignoris] ⟨fiduciae⟩ Eck l c Heck l c Oertmann l c

D de pigneraticia actione vel contra 13, 7

39 emisse [pignus] ⟨fiduciam⟩ Eck l c Heck l c Oertmann l c

40 § 1 [peculiaribus nummis]; optinebit ⟨quamvis filius vivo debitore pretio soluto pignus post mortem debitoris traditione accepit⟩ (?) Beseler SZ 43 (1922) 418 ex re [patris] ⟨dimidiae partis⟩ Cuiac Comment in lib 12 Quaest Pap ad l 41 de Bon libert

§ 2 [quae — fuit] Rotondi Scr giur 3, 238 n 3 (Bull 30 (1921) 136 n 1)
[corporalis] Albertario Fil 37 (1912) 396 (Possessio civilis 19) Kr Suppl
cogitur ⟨debitor⟩ Faber sec Kr ca Riccobono Scr Chironi 1, 421
[itaque] ⟨namque⟩ Beseler SZ 43 (1922) 541
[domino — debuit] Riccobono l c

41 [$\overline{pp}$ 41](?) VJR 1, 1017, 18; 3, 1, 316, 43
[rei] Bes 1, 82
[non est] idem dicendum ⟨est⟩ Bes 4, 129. cf 210
[hoc enim — *fin*] Bes 1, 82; 4, 129. cf 210 Di Marzo nota al fr 41 D 13, 7 ed al fr 22 D 20, 1 (Palermo 1901) 3; Arch giur 84 (1910) 170 Riezler Venire contra factum proprium 27 Schulz Bonn Festg Zitelmann 125 Kr Nov Suppl
[ad competendam — actionem] PKrüger SZ 16 (1895) 5; Dig

D de pigneraticia actione vel contra 13, 7

41 [competendam — actionem] ⟨contrahendam fiduciam?⟩ Seckel s v sufficere 1
[sed si — *fin*] Segrè (?) Mél Girard 2, 590 n 5 (591) Rabel Grundz 495 n 4 Kr Suppl

42 [quod — proponitur] ⟨fiduciae⟩ Eisele SZ 30 (1909) 114 Rotondi Scr giur 2, 150 ca Manigk RE 9, 377 s v hypotheca
quae ⟨pignoris iure⟩ [fit ex facto] ⟨est facta⟩ Dernburg Pfandr 2, 218
[facto] ⟨pacto⟩ Cuiac in l 3 Respons Papin ad l 42 (13, 7); Comment in tit 27 Codex 8 Recitat solemnes Bachofen Pfandr 1, 192 Pernice Labeo [2] 2, 2, 1, 164 n 1
suum [creditor] Eisele l c

43 pr [vel — vindicet] Bes 3, 12
[doli — posita] (?) Pernice Labeo [2] 2, 1, 304 sq. cf 235 n 2 (236)
[posita — rationem habere] ⟨debitor uti potest⟩ Biondi compensazione 141 n 3 (Ann Pal 12, 1927)
[si operam — caperetur]; Bes l c Kr(?) Suppl
⟨non⟩ posse; debitorem — *fin*] Biondi l c
pigneraticia ⟨formula⟩; [opera autem — *fin*] Kr(?) Suppl ⟨ut et fundum et instrumentum emptionis reciperet pecunia sive soluta sive nondum soluta (?)⟩ Bes l c

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ED.

OTTO LENEL

D de exercitoria actione 14, 1

1 pr [pr] π Bes 4, 209 Pringsheim Festschr Lenel 267 Guarneri Citati obbl indivis 1, 137 n 1 Fabricius Institor 24 sq. 32
[ut tenetur — praeposuit](?) Fabricius l c
magistro quam ⟨cum⟩ Fadda Dig Mil

§ 2 [delicto] ⟨furto⟩ (?) Pampaloni Stud Sen 17 (1900) 258 Messina Vitrano az in fact 38
[si quidem — *fin*] Messina Vitrano l c 38. 45

D de exercitoria actione 14, 1

1 § 2 [sed culpa — *fin*] Bes 1, 48; 3, 99 Schulz Grünh Z 38 (1911) 44 Kr Suppl

§ 3 [vel ad — conducendis] gl Scialoja Dig Mil

§ 4 [cuius — iste] Bes 3, 115 ca Kalinka SZ 47 (1927) 343
an servus ⟨sit magister⟩; [sibi — *fin*] Bes 3, 115

§ 5 [ceterum — videtur] *Βασῆς* adn 177
[quae — decipientur] Bes 2, 70; 4, 65
[omnia — decipientur]; [et facilius — utilitatem](?); [dicendum — *fin*](?) Rabel Festschr Zitelmann 9 n 4

D de exercitoria actione 14, 1

1 § 7 [id — sit] Eisele SZ 11 (1890) 5 Kr Suppl
[ad — aut] Lenel 816
§ 8 [quid enim — *fin*] Albertario Rend Lomb 46 (1913) 857 VJR (?) 4, 1, 31, 16
§ 9 [$\overline{pp}$] Schloßmann Kieler Festg Jhering 224
[mox — voluntatem] Pringsheim Festschr Lenel 226
[imputaturum — praeposuerit] Eisele SZ 18 (1897) 20 Kr Bes 2, 125; 3, 116
[imputaturum — esse]; [distinctionem] ⟨sententiam⟩ Pringsheim l c
[quod si — *fin*] (?) Faber rat adhl
[et hoc — accipit] Eisele SZ 18 (1897) 20 Bonfante Glück ital 14, 17 n f Kr VJR 4, 1, 32, 3
§ 12 [igitur — quare] Bes 3, 106; cf 2, 70 Kr Suppl
si [eum] ⟨exercitor magistrum⟩ Bes l c
§ 14 [sibi imputabit] ⟨hac formula uti non poterit⟩ Bes 3, 116 cf Valeri Riv dir comm 21, 1 (1923) 38 n 3
§ 18 [propter ministerium] gl Bes 1, 82 cf Valeri l c 40 n 4
§ 19 [aliena] ⟨patris dominive⟩ Gradenwitz SZ 8 (1887) 258 Lenel EP [3] 258 n 1 (§ 101) ⟨alterius⟩ (?) Lenel l c
⟨ait praetor⟩ si; [aliena] ⟨patris dominive⟩ potestate ⟨fu⟩erit; ⟨ex eo⟩ quod; ⟨fu⟩erit; [datur] ⟨dabo⟩ Beseler SZ 47 (1927) 57 sq
§ 20 [$\overline{pp}$ § 20] Messina Vitrano az in fact 17 n 1 Fabricius Institor 9 n 5
etiam volente ⟨patre dominove⟩; [vero — dabimus] ⟨tributoriam⟩ (?); [$\overline{pp}$ in re igitur — *fin*] Solazzi Bull 25 (1912) 111
[licet autem — solidi obligationem] ⟨-?-⟩; [si sit — *fin*] Beseler l c
§ 22 [tamen]; servo ⟨volente⟩; [qui — accommodavit]; [sed filius — *fin*] Beseler l c
§ 23 [Quamquam — si] ⟨Praetor ait:⟩; [sit — etiam] ⟨.⟩; [in — *fin*] ⟨utili actione conveniri poterit. et ita Iulianus quoque scribit⟩ Beseler l c
§ 24 [$\overline{pp}$ § 24] Segrè Riv It sc giur 8 (1889) 355 n 468
[haec — potest] Beseler SZ 45 (1925) 463
[id est — honorariam] Perozzi obbl 140 n Segrè corso di ist 2, 126. 146
[id est — obligationem] Solazzi (?) Bull 17 (1905) 252 n 1 Arangio-Ruiz genti 38 Kr (?) Suppl Albertario Rend Lomb 59 (1926) 560

D de exercitoria actione 14, 1

1 § 24 [utro] ⟨alterutro⟩; [sed si — *fin*] Bes 4, 287
§ 25 exerceant ⟨et eundem magistrum fecerint⟩ Beseler SZ 45 (1925) 463; 47 (1927) 58
2 [2] Bes 4, 278
[$\overline{pp}$ 2] (?) Valeri Riv dir comm 21, 1 (1923) 18 n 2
3 [$\overline{pp}$ 3] Segrè Riv It sc giur 8 (1889) 355 n 468
[eumque — *fin*] Valeri l c 17. 27. 39. 51
4 inscr [nono] ⟨octavo⟩ Lenel 820; EP [3] 257 n 2 (§ 101)
4 [$\overline{pp}$ pr — § 3] Segrè l c
pr § 1 [pr § 1] Beseler SZ 45 (1925) 463; 47 (1927) 58
§ 2 [Sed] ⟨Idem dicendum est⟩; [plane — *fin*] Beseler SZ 45 (1925) 464 Valeri Riv dir comm 21, 1 (1923) 23. 51
[idem — *fin*] ⟨-?-⟩ Beseler SZ 47 (1927) 58
§ 4 ⟨navem⟩ exercuit Beseler SZ 47 (1927) 58
6 pr [si sciente — ignorante] Albertario a° quasi inst 14 ca Solazzi Bull 25 (1912) 108—112
[quasi] Solazzi l c 110 Fabricius Institor 9 n 5
[non]; [si sciente — quasi]; ignorante ⟨domino⟩ Beseler SZ 47 (1927) 58
§ 1 [in solidum] ⟨-?-⟩ Beseler l c
7 § 2 [$\overline{pp}$ § 2] Dig Mil

D de lege Rhodia de iactu 14, 2

1 cf Pauli sent 2, 7, 1
[Lege — ut si]; gratia ⟨cum⟩ Kreller ZHR 85 (1921) 337
2 pr [immo — vectoribus] (?); [plane — eas] Kreller l c 276
[immo — eas] Biondi iud b f 83 Kr Nov Suppl
[quid enim si — conduxerunt] Berger RE 9, 548 s v iactus
ultro [ex locato]; [quid enim — habeant]; [si sint]; [sicut vectores — conduxerunt] Bes 4, 130
[aequissimum —] Beseler SZ 45 (1925) 455
§ 1 [sed si — *fin*] Kreller l c 299
[exarmaverit] ⟨ex armamentis perierit⟩ Bes 1, 82; 4, 129
[quia — acceperit]; [imputaretur] ⟨imputabitur⟩; [voluntate — vel] Bes 4, 129
[hoc ipsum] sarciri ⟨id⟩ Bes l c

D de lege Rhodia de iactu 14, 2

2 § 1 [sed si — oportet] Kreller l c 301, qui etiam quaedam Pauli in hac § ⁰ intercidisse censet
§ 2 non Pauli, sed alius cuiusdam iurisconsulti esse censet Kreller l c 310 [et quae — praestanda est]; [quia — deberent] Kreller ibid
§ 3 vero ⟨merces⟩ Ferrini Dig Mil
§ 4 [sed — *fin*] Kreller l c 317
§ 8 Res autem ⟨nec mancipi⟩ *aut* adprehendentis ⟨etiam si nec mancipi sit⟩ (?) Bonfante Scr giur 339 ca Berger derelizione 40 (Bull 32 (1922) 166)
4 pr [quia — *fin*] Beseler SZ 44 (1924) 389
§ 1 [eorum vero — servaverunt] ⟨ceterorum vero⟩ Beseler l c ca Ferrini Dig Mil
[eorum enim — *fin*] Bremer iurispr antehadr 2 ¹, 360
[quae perit] Beseler l c
§ 2 [cum — decem] (?); [potest — *fin*] Faber rat adhl
[potest — coeperit] π Bes 2, 24 Pringsheim Festschr Lenel 227
[adhuc — factae sunt] Kreller ZHR 85 (1921) 324
[sed distinctio — non debet] Kreller l c
5 pr [nam — *fin*] Biondi iud b f 53 n Guarneri Citati obbl indivis 1, 137 n 1 Beseler SZ 44 (1924) 390; cf Bes 2, 73. 125
§ 1 [aequitas] contributio[nis] Beseler SZ 45 (1925) 453
6 [ad praesens] gl Beseler SZ 45 (1925) 439
8 [habent] ⟨habere (*sc Minucius ait*)⟩ Lenel 857 ca Riccobono Bull 7 (1894) 266
[non hanc — *fin*] Berger derelizione 48 (Bull 32 (1922) 174 n 7)
[quippe — ut]; [sint] Bes 4, 210
9 inscr [ex] ⟨de⟩ Hal Lenel 58 ca Kreller l c 354
9 [$\overline{pp}$ *Κύριε — οἰκούντων*] Kreller l c 358 [*ἐγὼ — κύριος*] Kreller l c 362, qui quaedam Maeciani intercidisse censet
10 pr [immo — *fin*] Haymann SZ 41 (1920) 155 cf Guarneri Citati obbl indivis 1, 38 n 3; Bull 33 (1923) 219 n Boyer recherches 176 n 16
§ 1 § 1 *genuin* Rechnitz Julian 18
[cum id — nolle]; [ex conducto locato]; [Paulus — factum esset] ⟨non⟩; fuerit [idem iuris erit]; [locasset] ⟨locasses⟩; [remissa — potuisse] ⟨navigare sibi liceret⟩ Beseler SZ 47 (1927) 365
§ 2 [ibi] ⟨mille⟩ Beseler SZ 43 (1922) 541 cf Seckel s v ibi

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1 [1] π Bes 3, 47 Pringsheim Festschr Lenel 267 cf Donatuti Bull 33 (1923) 189 Fabricius Institor 24 n 1. 32
[$\overline{pp}$ 1] De Francisci Synall 2, 416 n 3
[sed si — negotiorum gestorum] Riccobono Ann Pal 3/4 (1917) 620 (dir rom class)
2 [2] (?) Rabel Grundz 512
5 pr ⟨servus⟩ Fabricius Institor 31 sq
§ 8 [quasi] Albertario a ⁰ quasi inst 18 Solazzi Bull 25 (1912) 112 sqq. 123
[$\overline{pp}$ § 8] Rabel Festschr Zitelmann 5. 6 n 1. 14 n 4 Lenel EP³ 263 n 2 (§ 102)
§ 9 praesenti ⟨a quibusdam⟩ Bremer iurispr antehadr 2, 85
§ 10 [§ 10] Solazzi Bull 25 (1912) 121 sq
[$\overline{pp}$ § 10] Rabel l c 6 n 1. 13 sqq. 15 n 2 Fabricius l c 32 n 6
[si quasi — *fin*] Rabel l c
proficiscens ⟨aliquem⟩ Fadda Dig Mil
[si quasi *sqq*] Cugia tirocin industr 108
§ 11 [id — *fin*] Eisele SZ 11 (1890) 5 gl Dig Mil
§ 12 proinde si ⟨quem⟩ Ferrini Dig Mil
§ 18 [tutor curator] Solazzi Min età 127 sed cf Rend Lomb 56 (1923) 736; procurator ⟨cui administrationem mandavi *similiave*⟩ Solazzi l c
6 [si — est] Lenel 456 Kr Albertario procurator unius rei 16 (Studi Pavia 6 (1921) 102)
[$\overline{pp}$ 6] De Francisci Arch giur 86 (1921) 261 Fabricius Institor 31 n 2
7 pr [quis] ⟨procurator⟩ Solazzi Rend Lomb 56 (1923) 736; 57 (1924) 302
§ 1 [item — ipsa] (?) Arangio-Ruiz Bull 25 (1912) 161 n 1
[$\overline{pp}$ § 1] Fabricius Institor 17 sq. 18 n 5
§ 2 [quoniam — *fin*] (?) Bes 3, 125
[$\overline{pp}$ § 2] (?) Fabricius l c 31 n 2
10 [10] Albertario Rend Lomb 46 (1913) 866 cf Bonfante corso 1, 440 n 1
11 § 2 [ceterum — *fin*] Rabel Festschr Zitelmann 9 n 3
§ 4 esset vel [non] *Βασῆς* adn 178
[$\overline{pp}$ § 4 i f] Rabel l c 6 n 1. 9 n 3
§ 5—6 Ulp^um de servo institore tractavisse putat Fabricius Institor 32 n 6
§ 5 [quo] ⟨quod⟩ *Βασῆς* l c
[sed si — *fin*] (?) Bes 2, 70
[§ 5] π Beseler SZ 45 (1925) 455
§ 6 [ergo — *fin*] Rabel l c 9 n 3
§ 7 [ipso iure] Frese SZ 43 (1922) 480 ca Seckel s v ipse 3a
§ 8 nam ⟨et⟩ cum *Βασῆς* adn 178

De institoria actione 14, 3

12 [$\overline{pp}$ 12] Lenel EP[3] 262 sq. 262 n 2 (§ 102)
[et ideo] Beseler SZ 45 (1925) 464
[utilis] ⟨ficticia⟩ (?) Lenel EP[3] 263

13 pr [competere] ⟨dandam esse⟩ P Krüger SZ 16 (1895) 4 Kr Erman (?) SZ 19 (1898) 327 sq Seckel (?) 609 s v utilis
[licet]; [tamen] ⟨et ita⟩; [utilem — competere] Bes 2, 14 n Kr Suppl
[licet — *fin*] Albertario a° quasi inst 22 cf Solazzi Bull 25 (1912) 115 sq
[licet]; [quasi — praepositus] Rabel Festschr Zitelmann 16 sqq
[licet]; [tamen] ⟨sed⟩; [utilem — competere] ⟨rescissorium iudicium in dominum dari debere⟩ Riccobono Ann Pal 3/4 (1917) 636 (dir rom class); cf SZ 43 (1922) 381
[$\overline{pp}$ pr] Lenel EP[3] 260 n 2 (§ 102)

§ 1 [novandi animo] Gradenwitz Itpp 218 Lenel EP[3] 260 (§ 102) Levy Sponsio 32 Scialoja Stud Perozzi 412 Kr Suppl

§ 2 [et de peculio actionis]; [quam sententiam — *fin*] Bes 4, 279
[et de peculio actionis]; [et quidquid — *fin*] Valeri Riv dir comm 21, 1 (1923) 18. 25

14 [nam heredum — *fin*] Berger Teilgskl 179 Kübler Krit Viert 52 (1914) 44 Kr Suppl Levy Konk 1, 269, qui etiam commata duo „idem — consequetur" et „certe — dederit" epitomatorem quendam in unum coegisse censet
[$\overline{pp}$ 14]; [et quod — consequetur]; [nam heredum — *fin*] Valeri Riv dir comm 21, 1 (1923) 25

16 [competere] ⟨dari⟩ P Krüger SZ 16 (1895) 4 Kr Dig Solazzi Bull 23 (1911) 155
[si tamen — *fin*] Albertario a° quasi inst 21 Rabel Festschr Zitelmann 6 Kr Suppl cf Solazzi Bull 25 (1912) 119
[$\overline{pp}$ 16] Lenel EP[3] 263 n 2 (§ 102)

17 pr [institoria] ⟨haec actio⟩ Lenel 457 Kr Fabricius Institor 31 n 2

§ 1 [$\overline{pp}$ § 1] Fabricius l c 11 n 11. 31 n 2

§ 3 [dandam] ⟨non⟩; actionem ⟨nisi ignoranti⟩; [imputandum] ⟨ignoscendum⟩ Bes 3, 116, qui alia quaedam amputata esse opinatur cf De Francisci Synall 2, 412 n 7

§ 4 [$\overline{pp}$ § 4] Solazzi Riv It sc giur 49 (1911) 56 n 1

De institoria actione 14, 3

17 § 4 [nam — *fin*] Grünwald Heidelb diss (1912) 45 Betti Att Tor 51 (1916) 1366 n 2; opposizione dell' exceptio 57 n 2
[peculium habeat aut] Betti Att Tor l c Kr (?) Suppl qui Rabel auctorem laudans errat
[ex eo contractu] ⟨servus⟩; aut ⟨ex ea pecunia⟩ Riccobono Ann Pal 3/4 (1917) 626. 692 (dir rom class) *similiter* Bremer iurispr antehadr 2, 2 170
[ex eo contractu] gl; [aut] ⟨et⟩; [nam — *fin*] gl Solazzi Arch giur 94 (1925) 87 sq

§ 5 [§ 5] (?) Mitteis Jher Jb 39 (1898) 169
[§ 5] Pflüger Cic p Rosc 76 v Mayr Condictio 250 Solazzi Riv It sc giur 49 (1911) 58 De Visscher condictio 74 n 1
[condici] ⟨de in rem verso agi⟩ Betti Att Tor 51 (1916) 1366 n 2
[condici — *fin*] Riccobono Ann Pal 3/4 (1917) 627 (dir rom class)

19 pr [$\overline{pp}$ pr] Arangio-Ruiz Bull 25 (1912) 161 n 1 Bonfante Ist[8] 395 n 1 Jörs röm Priv R 189 Lenel EP[3] 263 n 2 (§ 102)
[ad — institoriae] Bonfante lez fam (1904/05) 251; lez obbl (1906/07) 2, 172
[utilis — *fin*] Albertario a° quasi inst 25
praeposuit ⟨si is solvendo non sit⟩; [quod — *fin*] Lenel apud Rabel Festschr Zitelmann (1913) 22 n 1 Kr Suppl Plura mutanda esse putat ipse Rabel l c 22
'utilis — actio' *genuin* Rabel l c Wlassak Prozeßformel 43 n 10

§ 1 [pecuniis accipiendis] (?) Solazzi Bull 23 (1911) 156 Kr Suppl gl (?) Rabel l c 16 n 2

20 [Lucius Titius]; [Gaius Seius] Lenel 19 respondit ⟨non posse⟩ [nec — *fin*] Beseler SZ 45 (1925) 453

D de tributoria actione 14, 4

1 pr [$\overline{pp}$ pr] De Francisci Synall 2, 414 n 1
[pr] Bes 4, 210 Kr Nov Suppl Pringsheim Festschr Lenel 267

§ 2 [Peculiarem — quippe] Bes 4, 210, qui in huius commatis locum verba edicti „peculiari merce" praemittit; deducto ⟨eo⟩; [dominum — demum si] Bes l c
[ita — *fin*] gl Dig Mil

§ 3 [et voluntatem sed] Ferrini Dig Mil
[si igitur — *fin*] Bes 4, 210

3 pr ⟨nec⟩ deducetur [tamen] Bes 4, 268

D de tributoria actione 14, 4

3 § 1 [et sane — *fin*] Faber rat I ad D 4, 3, 15 Schulz SZ 27 (1906) 127 Bes 1, 5 n 1 Solazzi Bull 24 (1911) 125
[vel furiosi]; [vel curatore]; [quidem]; [vel curatoris]; [vel furioso]; [et sane — *fin*] Bes 3, 91. 183 Kr Nov Suppl
[nec tamen — puto]; [et sane — *fin*] Albertario Rend Lomb 46 (1913) 341 ca Solazzi Bull 25 (1912) 124
[nec tamen — *fin*] Albertario Arch giur 89 (1923) 259 n 1 Tumedei distinz postclass 45

§ 2 [quid — *fin*] Albertario Rend Lomb l c
[dolus — *fin*] Cuiac sec Kr Suppl
[§ 2] Albertario Arch giur 89 (1923) 259 n 1 Tumedei l c

5 pr [nec nos dubitamus] Solazzi Bull 24 (1911) 135 n 2 Kr Suppl

§ 1 [$\overline{pp}$ § 1] Buckland slavery 247
[si quidem — tenebor si]; [sed]; [et tributoriam — ait] ⟨formulam dandam esse ait⟩; [eligere — experiatur]; [sic tamen — tribuatur] ⟨si vicarii nomine actum sit, an in tributum vocetur⟩; servo debetur ⟨? et magis esse ait utrumque vocari⟩; cum ⟨nec⟩ Bes 4, 267 ca Levy Konk 1, 156

§ 13 [et est — *fin*] Beseler SZ 45 (1925) 455
[plerumque — semper](?) Kr Suppl

§ 16 [alii damnum sentiant] Lenel 843 cum Mommseno
[et ego — aequissimum] Beseler SZ 45 (1925) 455
[ne — *fin*] (?) Bes 2, 109

§ 17 [nisi — *fin*](?) Kr Suppl

§ 18 [quia — satisfacto] Mitteis RPR 186 n 73 Pringsheim Kauf 54 Kr Suppl ca Boyer recherches 76 sqq
[vendidero] ⟨mancipavero⟩ Naber Mnem 18 (1890) 152 n 3 ca Mitteis l c

§ 19 [$\overline{pp}$ § 19](?) Bonfante Ist [8] 171 n
[et ideo — consequitur] Beseler SZ 45 (1925) 464
[sed quoniam — *fin*] Bes 3, 132. 149

7 pr [finge — *fin*] Bes 2, 57 Kr Suppl
[pr] Bes 3, 149

§ 1 [Quid tamen — sit]; [audiendum — *fin*] Bes 3, 74
[quae sententia — aequitatem] Beseler SZ 45 (1925) 453

§ 5 [de eo — *fin*] Albertario Rend Lomb 46 (1913) 343 Kr Suppl ca Levy Privatstr 90 cf Lenel EP [3] 273 (§ 103)
datur ⟨non⟩; pervenit ⟨sed in solidum⟩ Betti Rend Lomb 49 (1916) 244

D de tributoria actione 14, 4

8 inscr [undecimo] ⟨duodecimo⟩ Lenel 181; EP [3] 270 n 8 (§ 103)

8 [quia — quare] Albertario Rend Lomb 46 (1913) 343 Kr Suppl Biondi a[nea] noxales 247 n 1 ⟨tributoria actio in heredem datur in solidum⟩ *in initio ins*; quamvis — competat *transf post* continet; dominus ⟨tenetur⟩ Betti Rend Lomb 49 (1916) 245
[8] (?) Rotondi Scr giur 2, 390. 409 n 2
[item — eius]; [propter — defuncti] Levy Konk 1, 155 n 6

9 pr [$\overline{pp}$ pr] Longo Bull 14 (1902) 151 n 2 Kr ca Lotmar SZ 31 (1910) 117 n 5 cf Lenel EP [3] 273 (§ 103)

§ 1 [cum — futurum] Gradenwitz Itpp 86 Kr Bes 2, 86 Levy Konk 1, 154 n 3

§ 2 [quasi — fecerit]; [vel deduxit — erat]; [quae sententia — *fin*] Albertario Rend Lomb 46 (1913) 344 Kr Suppl cf De Francisci az pen 15 Rotondi Scr giur 2, 389 ca Levy Privatstr 89 n 10; Konk 1, 155 n 4
[deduxit] ⟨deduxerit⟩ Fadda Dig Mil
teneri ⟨Labeo ait⟩; pervenerit ⟨peculium⟩; [Labeo ait] ⟨quo minus perveniret⟩; [curaverit — vel]; [a peculio]; [ipse — *fin*] Bes 3, 98. 203; 4, 267 ca Levy l c
[ipse enim — egit] ⟨hoc enim ipso quod cautionem non exegit neque deduxit quod tribuendum erat, videtur dolo fecisse⟩; [damus] ⟨datur actio⟩; [dolo] ⟨delicto⟩ (?); [suo] ⟨contractu⟩ Betti Rend Lomb 49 (1916) 245

11 aut tertia [vel etiam minore] cf Grupe SZ 17 (1896) 318

12 [$\overline{pp}$ id est — *fin*] (?) Rechnitz Julian 39

D quod cum eo, qui in aliena potestate est, negotium gestum esse dicetur 14, 5

1 [1] π Bes 3, 99; cf 2, 66 Pringsheim Festschr Lenel 267. 275 Fabricius Institor 11 sq. 15 n 28 Lenel EP [3] 274 sq (§ 104) ca Riccobono Ann Pal 3/4 (1917) 408 n 3 (dir rom class)

2 pr [eius in cuius potestate erit] ⟨parentis? patris familias?⟩ Gradenwitz SZ 8 (1887) 259 cf Seckel s v iubere e)
ad pr cf Fabricius l c 11

§ 1 [citra emancipationem] ⟨alio modo⟩ (?) Bes 2, 39
[vel in — decesserit] (?) Wissenbach Exerc 28, 26
[deinde — decesserit] Kr VJR 4, 1, 26, 47
[in hunc] (?) VJR 3, 1, 183, 2

D quod cum eo, qui in aliena potestate . . . 14, 5

3 [nisi — habebitur] Albertario Fil 36 (1911) 822 Kr Suppl

4 pr [sed — *fin*] Lenel 867 Kr (?) VJR (?) 1, 1024, 37; 3, 1, 246, 39 Bes 4, 19 n; SZ 43 (1922) 535 ca Samter SZ 27 (1906) 183

6 [*pp* 6] Solazzi Arch giur 91 (1924) 157 n 4

7 [sed — *fin*] Salkowski Glück 49, 625 n gl Kr Bortolucci Bull 28 (1915) 214 n 1 ca Samter SZ 27 (1906) 182

8 [pro alio — debitum non] Scialoja Dig Mil

D de senatus consulto Macedoniano 14, 6

1 § 1 [*pp* § 1] Beseler SZ 45 (1925) 197 sq [nam-cessat] (?) Ratti Bull 35 (1927) 109. 113 sq

§ 3 [nisi — *fin*] Albertario Fil 36 (1911) 813 Kr Suppl

3 § 2 [vel — succurrendum]; [et ideo — *fin*] Beseler SZ 45 (1925) 464

3 § 3 [vel alio — est] Bes 4, 130
[vel alio — contraxit] Solazzi curator impuberis 57 n 3 (58)
[vel alio —] Koschaker Ger Ztg SonderNr Schey
[quod ita — *fin*] Pacchioni Riv dir comm 9 (1911) 334 Rotondi atti in frode 103; Bull 25 (1912) 223 Kr Suppl cf Rabel Grundz 409 n 1

§ 4 [vel alias] (?) Savigny Syst 2, 507

6 [quia — *fin*] Perozzi obbl 9 n

7 § 2 [doli] Beseler SZ 45 (1925) 245

§ 3 [sed si — *fin*] Pacchioni Riv dir comm 9 (1911) 334
[fructibus] Lenel 876 Kr ca Dig Mil

§ 7 [sed — nocere] Pernice SZ 13 (1892) 259 n 1 Kr Segrè Studi Simoncelli 342
[severius dicendum est] ⟨verius dicendum est senatus consultum⟩ Huschke Darlehen 158
[*pp* § 7] Solazzi Bull 23 (1911) 151 n 3

§ 11 [si non — *fin*] Eisele SZ 13 (1892) 151 Kr VJR (?) 4, 1, 203, 44
prohibuit ⟨mutuam pecuniam ad (comparandas)⟩ Huschke Darlehen 161 Lenel 878
[merces accipere] Riccobono lez d'ist (1906) 324 n 4 sec Mommsen

§ 12 [et ideo — *fin*] Beseler SZ 45 (1925) 464

§ 15 [§ 15] Beseler SZ 45 (1925) 464

D de senatus consulto Macedoniano 14, 6

7 § 16 [cessabit — nec] Vassalli Stud Sen 30 (1914) 49
[nec — *fin*] Siber nat obl 54

8 [tamen] Vassalli l c
curatore ⟨?⟩ Solazzi Min età 127

9 pr [usque — *fin*] Pernice Labeo 2, 2, 1, 282 n 2 Kr Levy Konk 2, 1, 147 n 6 Siber nat obl 54
[sed si — denegandam] Vassalli (Stud Sen 30 (1914) 49

§ 1 [et ideo — *fin*] Pflüger Cic p Rosc 62 Kipp apud Windscheid Pand 2 § 373 n 16 Kübler SZ 29 (1908) 190 n 1 Siber nat obl 57
[condictionem — *fin*] Kr
[vel repetere]; [quidem]; [si vero — *fin*] Beseler SZ 45 (1925) 464
[vel repetere] Siber l c

§ 2 genuinum esse censet Savigny Syst 2, 435

§ 3 [qui — regressum]; [cum — habeant] Gradenwitz Itpp 85 Kr
[nisi — intercesserunt]; [sed et — *fin*] Vassalli Stud Sen 30 (1914) 48
[nisi — habebit] Albertario Fil 36 (1911) 805
[tunc — habebit] Kr VJR (?) 4, 1, 315, 6 sed [et]; [non donandi animo]; [tamen] Pringsheim SZ 42 (1921) 297
[et mandatori] Bortolucci Bull 28 (1915) 248

§ 4 [Et hi — non repetent]; [et potest — repetituros]; [sed et — *fin*] Vassalli Stud Sen 30 (1914) 48
[Et hi tamen]; [solvendo — enim] ⟨an solutum repeterent, quaerebatur⟩; [et potest dici]; non repetituros ⟨?⟩; [atquin — *fin*] Bes 4, 175 ca Kübler SZ 42 (1921) 524
[non quoniam — eos] ⟨non hi quos exonerare⟩ Kübler l c
[Et] hi; [solvendo — atquin]; [et ipse — demum]; [qui] ⟨quia⟩; [quoniam] ⟨quia⟩ Siber nat obl 55 sq

§ 5 [§ 5] Vassalli Stud Sen 30 (1914) 48

10 [§ 10] Vassalli l c Siber nat obl 61

11 [*pp* 11] Wenger a° iudic 93 n 2
[tamen — sunt] (?) Vassalli l c 49

13 [novandi causa] Levy Sponsio 34 cf Scialoja Stud Perozzi 412

D de senatus consulto Macedoniano 14, 6

14 [§ 14] π; [continerentur] ⟨continentur⟩; [servari debere] ⟨servare debemus (?)⟩; [efficere] ⟨efficit⟩; [existimaretur] ⟨existimetur⟩; [in ea — ut] Rechnitz Julian 21. 27. 35. 86. 93

18 [obligatio] ⟨actio⟩; [naturalis] ⟨honoraria⟩ Siber nat obl 11

D de senatus consulto Macedoniano 14, 6

20 [$\overline{pp}$ 20] Pernice Labeo 2, 1², 248 n 6
[facti]; [novatione facta] Vassalli Stud Sen 30 (1914) 47
[facti] Siber nat obl 58
[exceptio in factum] Biondi iud b f 51 n 2

DIGESTORUM LIBER XV

ED.

ERNST LEVY

D de peculio 15, 1

[filius vel] in universo titulo saepe inserta Gradenwitz Festschr Schirmer 161 n 1

1 pr hunc ⟨titulum⟩ (?) Lenel EP² 266 (§ 104)
[pr] gl Pringsheim Festschr Lenel 275 Fabricius Institor 15 n 28 π Lenel EP³ 40. 274 (§ 104)
§ 1 [§ 1] Fabricius l c 10 sqq π Lenel l c 274
§ 2 [esset] ⟨est⟩(?) Lenel EP³ 276 (§ 104)
§ 3 [$\overline{pp}$ § 3] (?) Solazzi Bull 11 (1898) 157 n 3
§ 4 [$\overline{pp}$ § 4] (?) Solazzi l c
[ita — *fin*] Albertario Rend Lomb 46 (1913) 346 Kr Suppl ca A: Levy Konk 1, 450 n 7

2 [Ex — adquirere]; [ex reliquis — *fin*] Naber Mnem 37 (1909) 283
[soleret] ⟨solet ei⟩ Ferrini Dig Mil

3 pr [tamen] Riccobono Dig Mil
§ 3 [contrahitur — spectes] ⟨contrahi⟩; [nec] ⟨sine⟩ Beseler SZ 46 (1926) 272
§ 7 [Cui — quod] Faber rat III adhl Beseler SZ 43 (1922) 541
[idem — *fin*] Beseler l c
§ 12 [$\overline{pp}$ § 12] Schifordeger 2, 29 — 33 v Mayr Cond 80 sq Levy spons 55 n 2 Zanzucchi Riv It sc giur 42 (1906) 19 Wlassak Ankl 141 Lenel EP³ 309 n 2 (§ 115)
[Ex — posse] ⟨si servus vel filius furtum commiserit⟩ Pampaloni Stud Sen 16 (1899) 228. 230
[Ex — constat] ⟨ita agitur si ex furtiva causa filio familias condicitur (?)⟩ Levy Konk 1, 446

D de peculio 15, 1

3 § 12 [quidem] Faber error 78, 3; rat III cap XVII ad D 13, 1, 9 Albertario Rend Lomb 46 (1913) 346 Kr Nov Suppl
[an vero] Pampaloni l c
[an — *fin*] Faber l c Albertario l c Kr (?) l c
[vero] ⟨etiam⟩ (?) Levy l c
[in patrem vel] Levy l c
[vel in dominum] Betti Att Tor 51 (1916) 1383; SZ 46 (1926) 478
dominum ⟨servi⟩ Levy l c
[de peculio] Huvelin furtum 596 sq. 607
peculio ⟨condictio⟩ Betti ll cc ⟨actio⟩ Levy l c
[de — verius] Pampaloni l c
[danda est] ⟨danda sit⟩ Betti ll cc Levy l c
quaeritur ⟨?⟩ Levy l c
verius ⟨sicuti si servus furtum commisisset⟩ Betti ll cc
[in — facto] Bes 4, 298
[in — actionem de peculio] Biondi a^nes noxales 104
dominus ⟨vel pater⟩ Pampaloni l c
[esset]⟩ sit⟩ Levy l c
facto ⟨condictio in eum utilis dari deberet, ita et in patrem de eo quidem, quod ex re furtiva ad eum pervenerit, condictionem utilem dandam esse⟩ Betti ll cc
[actionem] ⟨condictionem (?)⟩ Levy l c
[actionem de peculio] ⟨sine noxae deditione condictionem⟩ Pampaloni l c
[actionem — dandam] ⟨de peculio vero actionem, cum non ex negotio gesto veniat, dandam non esse⟩ Betti ll cc
[de peculio] Huvelin l c Levy l c
probat ⟨in servo fure⟩ Betti l c

D de peculio 15, 1

3 § 12 [quia — impune] Pampaloni l c Bes l c
[quia — *fin*] Biondi l c Kr Nov Suppl
[est] ⟨esset⟩ Betti l c
[locupletari impune] ⟨amplius quam de eo quod ad eum pervenerit teneri⟩ Betti l c
[impune] Levy l c Kr Suppl
[nam — actionem] (?) Huvelin l c
[nam — *fin*] Levy l c 451 sq
[in — pervenit] Bes l c
id ⟨tantum⟩ Betti l c
pervenit ⟨utilis condictio datur; praeterea nulla⟩ Betti l c
[de peculio] Huvelin l c ⟨sine noxae deditione⟩ Pampaloni l c

4 pr fecerit ⟨?⟩ Lenel 514

§ 1 [verbis] ⟨litteris⟩ Binder Stud Brugi 342 n 3 ca De Ruggiero Stud Perozzi 392

5 pr [et — *fin*] Bes 3, 46 cf Lenel EP [3] 294 n 2 (§ 107)

§ 1 [§ 1] Perozzi Ist 1, 154 n 2; 2, 17 n 2 ca Bes 3, 46

7 § 1 [$\overline{pp}$ § 1] Faber rat III adhl

§ 3 cum [in] Fadda Dig Mil

§ 6 [$\overline{pp}$ § 6] Buckland (?) slavery 685 Pfaff Festschr Hanausek 110 Fabricius Institor 14 n 25 Jörs röm Priv R 187
[Sed — quare]; [forte] Bes 3, 196
[nisi — *fin*] Bes l c Kr Suppl

§ 7 [vel — *fin*] (?) Buckland l c 213

9 § 1 [undecimo] ⟨sexagensimo primo⟩ Pernice S Ber Berl 1885, 464 Lenel Pomp 123 Kr

§ 2 [autem] Bes 2, 25
[esse — *fin*] Siber nat obl 25

§ 3 definitioni ⟨?⟩ Jörs RE 5, 1459 Kr
[quoniam — *fin*] gl (?) Bes 2, 25

§ 4 [Praeterea — tenebitur] Beseler SZ 43 (1922) 540
[vel cura] Solazzi Min età 34 Lenel SZ 35 (1914) 206 n 3 Kr Suppl
[vel patris] Solazzi l c Kr Suppl Guarneri Citati Ann Perug 37 (1924) 1 p 30
[vel — administrant] Lenel l c
[administrant] ⟨administrat⟩; [careant] ⟨careat⟩; [ademerint] ⟨ademerit⟩; [minuerint] ⟨minuerit⟩; [tenentur] ⟨tenetur⟩ Solazzi l c
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[vel utili] Solazzi l c
[vel utili actione] Alibrandi opp 1, 584 (Bull 2, 153) Schneider Krit Viert 36 (1894) 34 Kr Lenel EP [3] 319 sq. 319 n 13 (§ 124) ca Partsch l c

D de peculio 15, 1

9 § 4 [vel patri] Solazzi l c Kr Suppl Guarneri Citati l c
[sane — debuit] Siber l c
[sane — *fin*] Bes l c
[negotia vel] Lenel l c
[defendendum — *fin*] (?) Solazzi l c 35 Buckland slavery 225

§ 5 et si ⟨per vindicationem⟩ Lenel Iul 195

§ 6 quod domino ⟨furto⟩ Betti lit aest 2, 19 n 1

§ 8 [est aut]; [obligatus]; [ita] ⟨ut puta⟩; [ei] ⟨servo⟩ Beseler SZ 45 (1925) 254. cf ibid 464 Donatuti mandato 1, 106 — 111. 43 n 3
[vel patris] Guarneri Citati Ann Perug 37 (1924) 1 p 30 Beseler l c Donatuti l c
[alioquin — compensare] Biondi compensazione 278 sq
[melius — consequatur] ⟨recte ait nihil deducendum esse⟩ Beseler l c Donatuti l c
sed ⟨et⟩; [de sequenti actione] Beseler l c
[vel pater] Seckel Festg Bekker 330 n 3 Guarneri Citati l c Beseler l c

10 [et — iudicaretur] Levy Konk 2, 1, 44 n 3

11 pr peculio ⟨id⟩ Betti lit aest 1, 43

§ 2 [eadem — erunt]; [filium vel] Gradenwitz Festg Schirmer 165

§ 4 [$\overline{pp}$ § 4 i f] (?) VJR 5, 2, 623, 28

§ 5 [nisi — *fin*] (?) Kr Suppl

§ 8 [hunc — deductionem] (?); [si quid — *fin*] (?) Guarneri Citati obbl indivis 1, 75 n

12 huic loco non convenire putat Lenel 196, cuius sententiae repugnat Levy Konk 1, 247 n 2

14 pr [agendum est] ⟨agi potest. sed unusquisque dumtaxat de eo condemnabitur, quod ex peculio penes eum erit⟩; [debeatur] ⟨debetur⟩ Beseler SZ 46 (1926) 94

§ 1 [§ 1] Rechnitz Julian 66
[Item] ⟨idem dicendum est⟩ Beseler l c
[et de — *fin*] Lusignani consum process 35 Bonfante Ist [8] 135 n Guarneri Citati obbl indivis 1, 71 sq De Francisci Studi Sassaresi 2 (1923) 222 Beseler l c ca Erman SZ 19 (1898) 335 sq; 20 (1899) 248 Solazzi Stud Moriani 2, 118 sq Levy Konk 1, 256

16 [16] π Rechnitz Julian 70
[nec — ei concesserit] Naber Mnem 37 (1909) 284 n 1

17 [sed peculium — *fin*] Bes 3, 196

18 [id est vicarius] gl Eisele SZ 11 (1890) 6 Kr Bonfante Dig Mil

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19 pr [sed — *fin*] Lusignani consum process 2, 13 cf Bonfante Glück ital 15, 188 sed ⟨et⟩; agi ⟨non⟩; [et] Levy Konk 1, 157 cf Kr Suppl

§ 1 [*pp* § 1] Erman SZ 20 (1899) 247 Ferrini Dig Mil De Francisci Synall 2, 467 *genuin* Solazzi Bull 18 (1906) 230 — 251
[nam — Pomponius scribit] Albertario Rend Lomb 58 (1925) 827
[et ideo — Pomponius scribit] Berger Philologus 73 (1914) 103 Kr Suppl Beseler SZ 45 (1925) 464
[certe — conveniatur] Lusignani consum process 26 Ferrini Arch giur 64 (1900) 87 sq; SZ 21 (1900) 196 Bonfante Glück ital 15, 188; Ist [8] 135 n Guarneri Citati obbl indivis 1, 41 n 2. 76 n 3 Biondi compensazione 300 aliter Erman l c ca Solazzi l c 230—234. 244 sq
[certe — probatur] Naber Mnem 37 (1909) 283 n 3
quaesitum non est ⟨rescissorio iudicio⟩ Betti eff estint 40
[quae sententia — probatur]; [sed — teneri] Erman l c Ferrini Arch giur 64 (1900) 88 ca Solazzi l c 246 — 251
[sed — possit] Faber rat III adhl; coni 8, 14

21 § 1 [vel curatoris — procuratoris]; [vel furiosus — dominus]; [idem — *fin*] Albertario Rend Lomb 46 (1913) 347 Kr Suppl aliter Solazzi Bull 25 (1912) 124 ca A: Bonfante corso 1, 494 n 1
[furiosi] (?) Partsch neg gest 86 n
[maxime — pervenit] Schulz SZ 27 (1906) 127 Kr (?) Bes 2, 87 (?) Albertario l c 347. 578 ca Bonfante l c

§ 2 [nisi — pervenit] Albertario l c 348 Kr (?) Suppl

§ 3 [sed — *fin*] Albertario Riv It sc giur 52 (1912) 44 Kr Suppl cf Lenel EP [3] 276 (§ 104)

22 haberi ⟨non⟩; [et — *fin*] ⟨nisi quid domino ob eam rem absit⟩ Beseler SZ 45 (1925) 464 ⟨nisi damno facto dominus pecuniam solverit⟩ Beseler SZ 46 (1926) 272

23 [abducit vel] Faber rat adhl ca Bachofen Pfandr 1, 433

25 [certis] ⟨certisve⟩ Fadda Dig Mil

26 [id — fecerit] gl Eisele SZ 11 (1890) 6 T Kr
condemnandus ⟨?⟩ Lenel 465 Kr

27 pr [*pp* pr] Solazzi Stud Brugi 225
[*pp* in — datur] Solazzi Bull 11 (1898) 157 n 3

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30 § 4 [maxime — actio] Grupe SZ 17 (1896) 318 De Ruggiero Bull 19 (1907) 29 Kr
[maxime — nomine] ⟨de merce quoque et si quid eo nomine receptum erit⟩ Heck SZ 10 (1889) 126 sqq ca Ferrini Arch giur 52 (1894) 497
[depositi — commodati] ⟨fiduciae quoque⟩ Lenel 223 Pernice SZ 9 (1888) 227 n 6 Ferrini l c; Glück ital 13, 261 De Ruggiero l c Rotondi Scr giur 2, 21 n 2. 67 n 5 ca Oertmann fiduc 51
[sed et] Heck l c
[longe — *fin*] Grupe l c De Ruggiero l c Dig Mil

§ 3 [§ 3] Guarneri Citati obbl indivis 1, 71. 76. 78 n 2 De Francisci Studi Sassaresi 2 (1923) 222
solidum ⟨?⟩ Levy Konk 1, 263 sqq

§ 8 [pluriumve]; [est enim — contraxerit]; [haberet] ⟨habet⟩; tamen ⟨ea⟩; [damnosa] ⟨damno⟩; qui ⟨electus est si⟩; possit ⟨is quem creditor elegit⟩; [sociisve suis] Bes 3, 64; 4, 277 sqq
[est enim — contraxerit] Guarneri Citati obbl indivis 1, 136 n 3 ca Bes l c Levy Konk 1, 240 n 8. 251 cf Kr Suppl
[*pp* nec — apud alterum] Grupe SZ 17 (1896) 319 *genuin* Kalb Jagd 27

30 pr [si — tempore] Vassalli Bull 27 (1914) 265 n 3 Guarneri Citati Ann Perug 37 (1924) 1 p 29
[idem — *fin*] Bes 2, 137; 3, 47 Vassalli l c Kr Suppl Lenel EP [3] 280 et n 7 (§ 104)
[quae — *fin*] Pampaloni Arch giur 55 (1895) 509 Kr VJR (?) 4, 1, 266, 2; 5, 2, 347, 33. 349, 28

§ 1 [*pp* §1] Beseler SZ 46 (1926) 94
[idem — *fin*] Naber Mnem 37 (1909) 288 n 10

§ 2 Sed ⟨et⟩; [aeque — agendum] ⟨idem dicendum⟩ Bes 4, 275

§ 3 [Sin vero] ⟨si⟩; [quamvis]; [actionem — *fin*] ⟨tenebitur⟩ Bes 2, 89; 4, 275

§ 4 [*pp* § 4] Gradenwitz SZ 27 (1906) 250 Betti eff estint 36 ca Solazzi Bull 18 (1906) 5 sqq
[debiti] Naber Mnem 37 (1909) 293
[agere potest] ⟨ipso quidem iure agere non potest, sed praetor causa cognita rescisso superiore iudicio denuo ei agere permittet⟩ (?) Lenel EP [3] 284 sq (§ 104)
agere ⟨non⟩ Francke Arch z Pr 23 (1840) 400 n 22. 420 n 54 Lusignani consum process 36 Ferrini Arch giur

D de peculio 15, 1

30 § 4 64 (1900) 84 nunc fere omnes cf Solazzi Bull 20 (1908) 5 sqq Levy Konk 1, 244 n 3

§ 5 [sed — *fin*] Lusignani consum process 20 Bonfante Glück ital 15, 188; Ist[8] 135 n Beseler SZ 45 (1925) 465 ca Solazzi Bull 17 (1905) 258 sq Levy Konk 1, 261 n 1
[hactenus — *fin*] ⟨subveniri non debet (?)⟩ Erman SZ 20 (1899) 247
[hactenus] ⟨non⟩; [ut — *fin*] Ferrini Arch giur 64 (1900) 85 sq Biondi compensazione 305 sq

§ 6 ratio ⟨non⟩(?); [fortassis — *fin*] Bes 2, 11; 3, 86 Kr Suppl Buckland Textbook 590 n 2 ca Albertario Rend Lomb 46 (1913) 348
[fortassis — patietur] Lenel EP[3] 282 n 5 (§ 104)
[tempus — actionis] Kr Albertario l c ⟨annum⟩; [statutum tempus] ⟨annum⟩ Lenel 862 Betti Rend Lomb 49 (1916) 246
[post statutum tempus] Faber rat III adhl Kr Albertario l c

§ 7 [§ 7] Albertario l c 348 ca Levy Privatstr 89 n 10
[fieri] ⟨dari⟩ Betti Rend Lomb 49 (1916) 247

31 [31] Albertario Rend Lomb 46 (1913) 348 ***genuin*** Levy Privatstr 113
[$\overline{pp}$ pr] Bonfante Glück ital 188 sq. 190 sq; Ist[8] 135 n cf Geib Krit Viert 43 (1902) 45

32 pr [vel pluribus] Bes 1, 4 n; 4, 277
[eius]; [manumisso]; [vel]; [vel alienato — mortuo]; [poterat] ⟨poterant⟩ Solazzi Stud Moriani 2, 142 sq ca Levy Konk 1, 251 n 3
[vel libero — iusso] Naber Mnem 37 (1909) 281 n 10. 286 n 4
[unus] ⟨alter⟩; [omnes — liberabuntur] ⟨alter liberabitur⟩ Bes 4, 277
[peculii] ⟨peculio⟩ Ferrini Dig Mil
[idque — scripsit] Naber l c 286
[plures] ⟨duo⟩; [unus — liberat] ⟨alterum conventum alterum liberare Iulianus ait⟩ (?); [se] ⟨eum⟩; dictat ⟨rescissorium⟩ Lenel SZ 25 (1904) 369 secundum fragmentum Argentoratense; cf S Ber Berl 1904, 1161; EP[3] 285 (§ 104) cf Solazzi Bull 17 (1905) 229 n 1. 255
[eos] ⟨eum⟩; [liberantur] ⟨liberatur⟩ Riccobono Bull 18 (1906) 218

ad 'sed licet — *fin*':

a. fragmento Arg nondum invento
[$\overline{pp}$ sed licet — *fin*] Alibrandi opp 1, 180 sq

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32 [sed — *fin*] Lusignani consum process 30 sq Ferrini Riv It sc giur 27 (1899) 389; Arch giur 64 (1900) 78; SZ 21 (1900) 194 Erman SZ 20 (1899) 243; Mél Appleton 211 Cuq inst 2, 754 n 2
[aequitas] VJR 1, 294, 28

b. fragmento Arg invento
[sed licet — *fin*] π Eisele SZ 30 (1909) 117 n 3 Bes 2, 14 n; 3, 39; 4, 281; SZ 45 (1925) 453. 464 Ebrard form hypoth 40 n 28 ca Lenel l c Erman SZ 25 (1904) 353; in Kroll Zur Gaiusfrage (diss Münster 1917) 18 Solazzi l c 228 sq Riccobono l c; Mél Fitting 2, 477; Ann Pal 3/4 (1917) 598 n 3. 635 (dir rom class) Bonfante Glück ital 188 sq 190 sq; Scr giur 3, 237; Ist[8] 135 n Kr Levy l c 254 n 1 Guarneri Citati obbl indivis 1, 32. 72 n 1. 75 Frese SZ 43 (1922) 469 n 2 Buckland Yale Law Journal 33 (1924) 354 Ch Appleton RH 6 (1927) 248 n 4
[licet — dictat] Pringsheim SZ 42 (1921) 646
[ut — liberet] Bonfante lez obbl 143; Scr giur 3, 240. 242 Levy l c 1, 253 ca Betti eff estint 40
[perceptio] Levy spons 202 Seckel s v perceptio

§ 1 [§ 1] Lusignani consum process 35 n 33; in Bonfante Glück ital 15, 189 Erman SZ 20 (1899) 245; Mél Appleton 211 Beseler SZ 45 (1925) 464 ca Erman SZ 25 (1904) 353 Solazzi Bull 17 (1905) 253 sqq
[$\overline{pp}$ § 1] Solazzi l c VJR (?) 3, 1, 56, 36; 1, 742, 46. 934, 21
[quare — *fin*] Ferrini SZ 21 (1900) 194; Arch giur 64 (1900) 85 Geib Krit Viert 43 (1902) 45
[nobis — verius] Pampaloni Arch giur 55 (1895) 517

§ 2 [$\overline{pp}$ § 2] Kniep Gaius 263

36 [$\overline{pp}$ 36] Di Marzo b f contr 10
[$\overline{pp}$ In bonae — scripsit] Bes 3, 46 ca Lenel EP[3] 294 n 1 (§ 107)
[In — ut est] in actione [de dote] ⟨rei uxoriae⟩ agitatum ⟨est⟩ Arangio-Ruiz responsabilità contratt 57 n 1
[In — dote] ⟨in iudicio rei uxoriae⟩; agitatum ⟨est⟩ Biondi iud b f 204
[contractibus] ⟨iudiciis⟩ Segrè Stud Fadda 6, 366 n 3 Albertario gloss vat 7
[de dote] ⟨rei uxoriae⟩ Lenel 48 nunc omnes

D de peculio 15, 1

36 [nam quod — esse] ⟨sicut in iudicio fiduciae et ita⟩ Biondi l c
[pignori (*bis*)] ⟨fiduciae⟩ Ubbelohde Realkontr 89 n 151 Voigt ius nat 3, 901 n 1410; XII Taf 2, 167 n 1 Lenel EP[3] 294 (§ 107) Rotondi Scr giur 2, 21 n 1. 148 nunc omnes
[ceteris — iudiciis] ⟨rei uxoriae actione⟩ Arangio-Ruiz l c
verum ⟨formula⟩ Biondi l c

37 § 1 [aureis octo] ⟨HS VIII⟩; [duos aureos] ⟨HS II⟩ Lenel 199

§ 2 [Titio] ⟨Sempronio⟩; [Sempronio] ⟨Titio⟩ Naber Mnem 37 (1909) 284 n 5
[sin — *fin*] Albertario contr crit Dig 17 Guarneri Citati obbl indivis 1, 73 n 2
[postquam — *fin*] Lusignani consum process 21; in Bonfante Glück ital 15, 189 Erman SZ 20 (1899) 247 Naber l c Bonfante Ist[8] 135 ca Solazzi Bull 17 (1905) 209—223; Riv It sc giur 54 (1914) 57 Levy Konk 1, 259 n 4

§ 3 [§ 3] π Rechnitz Julian 51
[$\overline{pp}$ § 3] Erman SZ 20 (1899) 247 Ferrini Arch giur 64 (1900) 86; SZ 21 (1900) 196 Solazzi Bull 18 (1906) 252—259 Dig Mil Bes 3, 106
[et — creditor] Lusignani consum process 28 cf Bonfante Glück ital 15, 189
[non — *fin*] Bonfante Ist[8] 135 n
consequatur ⟨?⟩ Levy Konk 1, 257
'nihil — acceperit' suo loco mota esse Lenel 199 Kr
[nihil — acceperit] (?) Riccobono Ann Pal 3/4 (1917) 682 n 2 (dir rom class)
debebit ⟨utilis⟩ Betti eff estint 40

38 § 2 [alioquin — *fin*] Bes 3, 27

§ 3 [ex quo — *fin*] Bes 1, 58 De Francisci Synall 2, 357. 459

39 [$\overline{pp}$ 39] (?) Seckel s v peculium 2 b

41 ⟨Iure civili⟩ nec servus; [cum — itaque] Beseler Tijdschrift 8 (1928) 323
[ad]; [civile — obligationem] Siber nat obl 7. 24 ca Albertario Rend Lomb 57 (1924) 176 n 4 Lauria Riv It sc giur n s 1 (1926) 152 n 4

43 nomine, ⟨quod simul vendidisti, eiusque,⟩; emptorem ⟨ex eo peculio vel ex operis suis⟩; [nec — *fin*] Beseler SZ 47 (1927) 366 *genuin* Solazzi Bull 17 (1905) 261 sqq

45 [Ideoque] Beseler SZ 45 (1925) 465

46 inscr sexagensimo ⟨secundo⟩ Lenel 739; EP[3] 427 n 4 (§ 218). 435 n 3 (§ 225)

47 § 2 de peculio ⟨?⟩ Gradenwitz SZ 27 (1906) 252. 257 cf Solazzi Bull 20 (1908) 14 n 1

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47 § 3 [ab — iudicium] ⟨cum emptore egerit, adversus venditorem eum agere non posse⟩ Bes 4, 281
[competere] ⟨dandum esse⟩ Erman SZ 20 (1899) 245 Solazzi Bull 17 (1905) 243 sqq Kr Betti eff estint 41 Levy Konk 1, 261
[utile] ⟨rescissorium⟩ Levy l c
[utile iudicium] ⟨annalem formulam⟩ Ferrini SZ 21 (1900) 198; Arch giur 64 (1900) 92
[sed — *fin*] Lusignani consum process 2, 24 Bonfante Glück ital 15, 189 sq; Ist[8] 135 n ca Solazzi l c
[non — actori] ⟨posse eum⟩; [satis — consecutus] Bes l c
consecutus ⟨non⟩ Lusignani l c (?) Bonfante ll cc
enim esse ⟨si iusta fuerit causa erroris⟩; [rescisso — iudicio] ⟨rescissa superiore formula⟩; [reo] ⟨altero nihil vel⟩ Ferrini Arch giur l c (similiter iam SZ l c cf Biondi actt arbb 99 n 1. 102) ca Erman Mél Appleton 247 sq. 251 sq Levy l c
[et hoc — *fin*] Erman SZ 20 (1899) 245 ca Solazzi l c Levy l c

§ 5 venditor [et] ⟨conventus eius quod antea ei servus debuerit *vel sim*⟩; possit [et] ⟨sed⟩; [minuit peculia] ⟨minuat id peculium⟩; [debet] ⟨debetur⟩ Ferrini Dig Mil

49 pr [tamen — *fin*] (?) Di Marzo Pompon 33

§ 2 [ulla — debendi] ⟨?⟩ Siber nat obl 40
[praecesserat] ⟨praecesserit⟩ Fadda Dig Mil

50 § 2 [et — videbitur] Bes 4, 192. 288; SZ 45 (1925) 465 Guarneri Citati Ann Perug 37 (1924) 1 p 65 n 3
[et — *fin*] Siber nat obl 71 n 2 ca Beseler Tijdschrift 8 (1928) 323
[et ideo] ⟨enimvero⟩ Ferrini Dig Mil
[actionem] ⟨formulam⟩ Wlassak (?) Litiskont 49 n 2 Busz litis contestatio 34 n 1
[iudicium dictatum] ⟨formula dictata⟩ Busz l c
[naturalis obligatio] Pacchioni Riv dir civ 18 (1926) 49

51 [$\overline{pp}$ Quod — extraneis] Levy Konk 1, 242 n 3
[dominus — *fin*] Bes 2, 119; 3, 183

52 pr [$\overline{pp}$ pr] Ferrini Dig Mil ca F: Solazzi Stud Brugi 228 n 1 Huvelin (?) furtum 730 n 3
[an vel] Fadda et Scialoja Bull 13 (1901) 84; Dig Mil
[et si — competat]; [patri vel]; [filii vel]; [conveniuntur] ⟨convenitur⟩ Albertario a[0] quasi inst 6 cf Kr Suppl

D de peculio 15, 1

52 pr [plane in — administravit] Peters SZ 32 (1911) 252 sq Pringsheim Kauf 134 n 1. 150 n 1 Kr Suppl
[plane in — dicendum est] Albertario l c
[et quia — inhibebitur actio] Peters l c Levy Konk 1, 377 n 4 Kr Suppl *genuin* Pringsheim l c
[plane si — dicendum est]; [tamen] Peters l c Kr (?) Suppl
[adversus — actio] ⟨condictio⟩ Solazzi Bull 22 (1910) 80 sq
[quid — *fin*] Albertario l c ca Berger Krit Viert 50 (1912) 435 Solazzi Bull 25 (1912) 104
[utilis — tutelae] (?) Peters l c

§ 1 [§ 1] Albertario a° quasi inst 8
[$\overline{pp}$ § 1] Pringsheim Kauf 134 n 1. 150 n 1 Beseler SZ 45 (1925) 464
[si priores — *fin*] Peters SZ 32 (1911) 253 n 2 cf Kr Suppl

57 § 1 [ideoque — *fin*] Beseler SZ 45 (1925) 465

§ 2 [in coniecturâ — verosimilius esse]; legatum ⟨est⟩ Donatuti Bull 34 (1925) 199

58 rebus [et] gl *Βασῆς* adn 179

D quando de peculio actio annalis est 15, 2

1 pr [$\overline{pp}$ pr] Gradenwitz SZ 8 (1887) 259 alienatusve fuerit ⟨adversus eum penes quem peculium erit dolove malo eius factum erit quo minus esset⟩ Lenel 857; EP³ 277 (§ 104)

§ 2 [$\overline{pp}$ § 2] Beseler SZ 45 (1925) 207
[et si — obligatio]; [ex eo]; [condicione existente] Bes 2, 57 Kr Suppl

§ 4 [$\overline{pp}$ § 4] Lenel 858
[vel fiscus] Kaden SZ 44 (1924) 207 n 2

§ 7 [quia ad — *fin*] Levy SZ 37 (1916) 58 n 5

§ 10 [dumtaxat — *fin*] Lusignani consum process 9 Bonfante Glück ital 15, 1902 Ist⁸ 135 n Albertario Ann Perug 32 (1920) 2 p 8 n 2 (form Fab) ca Solazzi Stud Brugi 208 sq

2 pr [Cum]; [idemque — *fin*] Bes 3, 62 ad pr cf Kr Suppl

3 [$\overline{pp}$ 3] Di Marzo Pompon 34
[quamquan — peculium] *an* [vel manumissione] (?) Solazzi Stud Moriani 2, 120 n 17
[vel manumissione] Kr Suppl

D de in rem verso 15, 3

1 pr [$\overline{pp}$ pr] Scialoja (?) Bull 13 (1901) 85 Fabricius Institor 14

§ 1 [$\overline{pp}$ § 1] Albertario Ann Perug 32 (1920) 2 p 8 n 2 (form Fab) Fabricius l c

D de in rem verso 15, 3

1 § 2 [sed — *fin*] Lusignani consum process 12 Bonfante Glück ital 15, 190; Ist⁸ 135 n Albertario l c Levy Konk 2, 1, 166 n 2

3 pr [si quid — *fin*] ⟨si dominus non manumiserit *similiave*⟩ v Tuhr a° de in rem verso 182 ca Solazzi Bull 18 (1906) 243

§ 1 [vel si ad vestiendam] gl Dig Mil

§ 2 [$\overline{pp}$ § 2] (?) Jörs röm Priv R 187 Hijmans Verbintenissenrecht² 331
[Et — dicimus] Riccobono Ann Pal 3/4 (1917) 406 (dir rom class)
[regulariter dicimus] ⟨ait X⟩ Bes 3, 193 Donatuti Ann Perug 33 (1921) 692
[quibus — actionem]; [quotiensque] ⟨quotiens⟩ Pflüger Cic p Rosc 79 n 133 Bes l c Kr Suppl Donatuti l c
[quotiensque] ⟨quotiens⟩; 'quibus — actionem' transponendum esse post 'deteriorem'; [qui — gessit] Solazzi Rend Lomb 56 (1923) 741
[aut meliorem]; [aut] Riccobono l c

§ 3 [id — consueverat] gl Eisele SZ 18 (1897) 39 Solazzi Stud Brugi 225 n 3 Kr

§ 4 [$\overline{pp}$ § 4] (?) Huvelin furtum 708 n 2
[tectoriis — utilitatem] Bes 3, 184
[et — aliis] ⟨?⟩ (?) Riccobono l c 338. 486
[nisi — habuit] Riccobono l c Solazzi Rend Lomb 56 (1923) 741 Kr Nov Suppl
[nec debere — *fin*] Bes l c Solazzi l c
[quid — iniuria] Riccobono l c
[quid — *fin*] Pampaloni Riv It sc giur 49 (1911) 240 Biondi Bull 29 (1916) 228 n 2

§ 5 [ex — *fin*] Bes 3, 91. 184 ca Riccobono Ann Pal 3/4 (1917) 408 n 2 (dir rom class)
[procuratoremque] ⟨cognitoremque vel procuratorem⟩ (?) Seckel s v procurator p 464 b ca Schulz SZ 27 (1906) 145

§ 9 [quid tamen — *fin*] Kunkel SZ 45 (1925) 315 n 3
[curiosus — *fin*] Vassalli Stud Senesi 30 (1914) 25

5 pr [veluti — hactenus] ⟨non⟩; [quatenus — cum] ⟨quod⟩; [in — venissent] Riccobono Ann Pal 3/4 (1917) 407 (dir rom class) cf Kr Nov Suppl

§ 2 [§ 2] Mancaleoni Fil 24 (1899) 62 Solazzi Bull 23 (1911) 122 n 1 Riccobono l c 407 sq gl Kr (?) Suppl Fabricius Institor 11
[$\overline{pp}$ § 2] Buckland slavery 166 Bortolucci Bull 28 (1915) 238

7 pr [pr] Bes 3, 194; SZ 45 (1925) 465 Kr (?) Suppl

D de in rem verso 15, 3

7 [Et ideo et]; [et sunt — *fin*] Pringsheim SZ 42 (1921) 300

§ 1 [et — solvit] ⟨?⟩ Pringsheim et Rechnitz SZ 42 (1921) 300. 303
et ⟨pro domino *vel similia*⟩ Scialoja Dig Mil
[dum — peculiarem] Bes 3, 194 Kr Suppl

§ 2 [possum] ⟨possem⟩ (?) Schloßmann Jher Jb 35 (1896) 88

§ 4 [ego — *fin*] Faber rat III adhl Pringsheim l c 302

8 [idem — *fin*] (?) Buckland slavery 182

10 pr *genuin* Faber rat adhl
[*pp* pr] Frese Mél Cornil 1, 362 n 1
[et — solverit] Kr
[creditori solverit] ⟨condemnatus sit⟩ v Tuhr a° d i rem verso 149 Seckel Festg Bekker 335 sq. 344 n 4
patrem ⟨iudicio suscepto⟩ Seckel l c

§ 1 [namque — *fin*] Seckel l c 337 n 1. 350

§ 2 [nisi — *fin*] Bes 3, 194 Pringsheim SZ 42 (1921) 303 Buckland slavery 180 Kr Suppl

§ 3 conveniatur ⟨?⟩ v Tuhr l c 147 sq ca Seckel l c 369 n 3. 376 n 3. 381 n 1

§ 6 [vel filio] Guarneri Citati Ann Perug 37 (1924) 1 p 30
[si tamen — *fin*] Seckel s v nex 2; perdere 1 (?) VJR (?) 4, 1, 123, 26 Beseler SZ 45 (1925) 455
[id — perdituro] Guarneri Citati l c
[vel filio] Solazzi Bull 25 (1912) 101 Guarneri Citati l c
[patrem vel] Guarneri Citati l c
[competere] Solazzi l c Guarneri Citati l c PKrüger SZ 16 (1895) 4 n 4; Dig

§ 7 [hactenus — debeat] Beseler SZ 45 (1925) 465
[vel — exhibuerit] Albertario Rend Lomb 46 (1913) 857
[nam ut] ⟨item⟩; [adversus — ideo]; [idemque — solverit ei] Beseler l c
[si quidem — animo]; [si vero — *fin*] Pringsheim SZ 42 (1921) 285 Beseler l c
[remunerandi animo] Albertario Riv dir comm 21 (1823) 498 n 2

14 inscr [undecimo] ⟨duodecimo⟩ Faber coni 1, 9, 4 Lenel 205; EP[3] 258 n 8 (§ 102) 273 n 13 (§ 104) nunc omnes

15 [atquin — patrem] Bes 4, 176 Kr Nov Suppl *genuin* Kübler SZ 42 (1921) 518
[solvat — constitutum] ⟨condemnatus sit⟩ (?); [solvisse — constituit] ⟨iudicium suscepisse⟩ (?) Seckel Festg Bekker 345. 349
[hoc — constituit] gl Eisele SZ 18 (1897) 39 Kr Bes l c
[merito dicetur] (?) Seckel l c

D de in rem verso 15, 3

17 pr [*pp* pr] Hijmans Verbintenissenrecht[2] 331 et n 1
[mandati vel] Albertario Stud Pavia 6 (1921) 111 n 8 (procurator unius rei 25 n 8) Donatuti Ann Perug 33 (1921) 679 ca A: Solazzi Rend Lomb 56 (1923) 143. 742 n 1

§ 1 [scilicet — agatur]; [etenim — *fin*] Beseler SZ 46 (1926) 272
[etenim — videbor] Bes 2, 37

18 [in quoquo contractu] De Francisci Synall 2, 359

19 [19 i f] Fabricius Institor 12. 14 n 22
[in actione — factum esset] Bes 3, 194 Kr (?) Suppl
[atquin — non filii] Bes l c; 4, 176
[funus — patris est] gl Kr
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§ 14 [$\overline{pp}$ § 14] Partsch SZ 44 (1924) 561 Siber nat obl 12 n 1
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1 § 14 [sed si — video] (?) Perozzi Ist^{1} 2, 246 n 1
[omnimodo] Scaduto Ann Pal 8 (1921) 32 sq Riccobono Arch f Rechts- u Wirtschaftsphilos 16 (1922/23) 513
[non tantum] Scaduto l c Riccobono SZ 43 (1922) 311 n 1; Arch l c
[sed et — eum] Scaduto l c
[sed et — fecit] Riccobono ll cc
[quid enim — *fin*] Biondi Ann Perug 1913, 379 (legittimazione 13) Kr Suppl

§ 15 [*pp* § 15] Siber nat obl 36 n 5
[sed] ⟨et⟩ probari oportet ⌜si — deposueris] agi ⟨non⟩ posse [si — *fin*] Albertario Arch giur 89 (1923) 259 n 1
[nam — *fin*] Albertario Rend Lomb 46 (1913) 867 Kr Suppl Tumedei Distinz postclass 48
[nam et]; [datur — *fin*] Solazzi Bull 24 (1911) 140 n 3

§ 16 [quasi — *fin*] ⟨. . . .⟩ Beseler SZ 47 (1927) 366

§ 18 ait [nec] Rotondi (?) Scr giur 2, 53. 68 Albertario delictum 35
[quamvis] ⟨quoniam⟩ (?) Rotondi l c
[quamvis — *fin*] Albertario l c Siber nat obl 36 n 5
[erit — *fin*] Gradenwitz SZ 7 (1886) 68 Lenel 893 Kr Rotondi l c Bes 2, 93

§ 20 [id est — *fin*] gl (?) VJR 1, 981, 21

§ 21 recte ad ⟨rei⟩ Ferrini Dig Mil

§ 22 [actione] gl (?) Arangio-Ruiz Arch giur 78 (1907) 240
[condemnationis] gl Lenel (?) 895 Bertolini app did 1, 331 n 1
[quid enim — *fin*] Biondi a^{nes} noxales 262 n 3

§ 23 [§ 23] Gradenwitz Itpp 106 Lenel SZ 9 (1888) 180; Ulp 895; EP^{3} 255 n 2 (§ 99). 289 n 5 (§ 106) VJR 1, 104, 26. 107, 35. 870, 4; 3, 1, 167, 36 Segrè Stud Fadda 6, 337 n Longo Stud Moriani 1, 202 n 1 Kr Taubenschlag Grünh Z 35 (1908) 142 sq. 145 sq Partsch SZ 31 (1910) 417 Rotondi Scr giur 2, 3 n 1. 8. 54 n 2 Betti lit aest 2, 22 Biondi iud b f 243 n 1 Bonfante Ist^{8} 110 n 3 cf Fadda e Bensa traduz Windscheid 4, 216

§ 24 [Et ideo] Gradenwitz l c Kr
[et omnem causam] Levy SZ 36 (1915) 32 n 1

§ 30 [initium — *fin*] De Francisci (?) Synall 2, 433 Kr Nov Suppl

§ 32 [*pp* § 32] Lenel Grünh Z 37 (1910) 525 Stintzing Festschr Wach (1913) 2, 28

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1 § 32 aget [: sed] ⟨ad exhibendum et⟩ Hal Scialoja Dig Mil Bes 1, 10 cf Stella Maranca Celso 48
si exhibuerit ⟨Titius, res ab eo⟩ vindicabitur; [alienum] ⟨alienam⟩ Bes l c; cf 2, 133

§ 33 [teque certioravero] Gradenwitz Itpp 236 Lenel 896 Kr ca Kalb RJ 91 n 1

§ 34 [ab initio] Rabel Grundz 461 n 1

§ 35 [*pp* § 35] Haymann SZ 40 (1919) 178 n 1 Landucci quasi contratti (corso dir rom 1921) 69
[Saepe — sed et]; [idem]; [tamen]; [culpam et]; [non tamen — *fin*] Arangio-Ruiz responsabilità contratt 122 sqq
[ut puta — convenit] Di Marzo onor Lilla 162 Segrè Stud Fadda 6, 351 n Haymann l c
[ut puta — sed et] Albertario Bull 25 (1912) 21
[si se — obtulit] Haymann l c
[ita — *fin*] Eisele (?) SZ 18 (1897) 20. 21 Segrè Stud Fadda 6, 361 n; cf Bull 19 (1907) 213 n 2 Kr De Medio Bull 20 (1908) 205 Albertario Bull 25 (1912) 21 VJR (?) 4, 1, 211, 33 Guarneri Citati misc eseg 1, 6 ca Kübler SZ 39 (1918) 197 n 3 Kerr Wylie Solidarity 292 n 2 cf De Ruggiero Bull 19 (1907) 67 et n 2

§ 36 [§ 36] Gradenwitz Itpp 13 Lenel 896 Arnò obbl divis 297 sqq Arangio-Ruiz Arch giur 76 (1906) 486 n 1
[*pp* § 36] Appleton int 31 VJR (?) 1, 514, 15. 992, 34. 1033, 4. 6. 1118, 22; 3, 1, 74, 28. 203, 47. 204, 14. 234, 47. 264, 20; 5, 1, 168, 37; 5, 2, 540, 6. 8. 543, 46 Jörs RE 5, 525 Seckel s v promere 1 Rotondi Scr giur 2, 74 et n 3 Solazzi Riv It sc giur 53 (1913) 286 n 3 Bonfante Scr giur 3, 372; Ist^{8} 370 n 2 Albertario Rend Lomb 55 (1922) 524 n 1 Guarneri Citati Ann Pal 11 (1923) 171 n 2. 218
[veniat repetens] (?) Eisele SZ 13 (1892) 125; Beitr 242
[quemadmodum — *fin*] Faber rat adhl; coni 12, 16 cf Gradenwitz SZ 7 (1886) 61
[promenda — *fin*] Eisele Arch z Pr 77 (1891) 449 n 67; SZ 13 (1892) 125 sq Kr
[residuo — *fin*] De Ruggiero Stud Cagliari 1, 134; lez obbl (1920/21) 77
[satisdatione — praestanda] Ferrini Pand 567 n 3; obbl 490

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1 **§ 37** [§ 37] Faber rat adhl Guarneri Citati obbl indivis 1, 234 n 2
[*pp* § 37] Eisele SZ 18 (1897) 40 Jörs RE 5, 529 Arangio-Ruiz Arch giur 76 (1906) 486
[hoc — suscepit) gl Lenel 896 Kr De Ruggiero Stud Cagliari 1, 135 (gl?) Eisele l c Koschaker translatio 283 n 4 Arangio-Ruiz l c VJR (?) 3, 1, 196, 5 Riccobono communio 105
[quod — *fin*] De Medio fallac crit 21 n 1
[oportere — *fin*] Arangio-Ruiz l c Riccobono communio 106 Kr (?) Suppl Guarneri Citati Ann Pal 11 (1923) 172 n 2. 212 n 3. 218

§ 38 [quibusdam praesentibus] Jörs RE 5, 525

§ 40 [scyphum — addendo] Eisele SZ 13 (1892) 138 Kr ca Kalb JBer klass Alt 89 (1896) 253 gl Wlassak Prozeßformel 68 n 28
[salvo — *fin*] Biondi giur decis 106 Kr Suppl ca Wlassak l c 69 n 29

§ 41 [*pp* § 41] (?) Rotondi Scr giur 2, 73 n 2 singularum rerum ⟨nomine⟩ (?); ergo et rerum ⟨nomine⟩ (?) Kalb Woch kl Phil 27 (1910) 1259

§ 42 [*pp* § 42] Voigt ius nat 3, 901 n 1410 Lenel EP³ 294 n 2 (§ 107) Bonfante Ist⁸ 456 n 2 ca Heck SZ 10 (1889) 131 Oertmann fiduc 46 Rotondi Scr giur 2, 21 n 1. 148
[quia — tenetur] Biondi a^nes noxales 50
[plane — *fin*] Bes 3, 46 Kr Suppl Biondi l c
[et nobis videtur] Pampaloni Arch giur 55 (1895) 509
[plane] Biondi Bull 32 (1922) 65 n 4

§ 43 [*pp* § 43] Binder Korrealobl 355 sq Sorrentino Stud Scialoja 1, 661 Seckel (?) s v pervenire 4 Rotondi Scr giur 2, 113 n 4 VJR 3, 1, 293, 52. 294, 25. 310, 36; 4, 1, 129, 24; 5, 2, 636, 3 Pacchioni Savigny obbl 1, 684 sqq Bonfante Scr giur 3, 232; Ist⁸ 378 n 1 Levy SZ 37 (1916) 58 n 5; Konk 2, 1, 244 Bes 4, 274
[nec] ⟨et⟩; [non enim — liberantur]; [quod interest praestiterit]; [quod si — *fin*] Eisele Arch z Pr 77 (1891) 448 sqq Kr Pringsheim Kauf 152 n 3 ca Ascoli Bull 4 (1892) 290 sqq cf Schneider Krit Viert 36 (1894) 58
[nec] ⟨et⟩; [non enim — liberantur] Ferrini obbl 422; Pand 558 n 3. 569 n 1

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1 § 43 [nec — liberantur] (?); [nam — *fin*] Perozzi Ist¹ 2, 106 n 1
[nec] ⟨sed⟩ (?); [non enim — liberantur]; proinde ⟨et⟩ si (?); [quod interest praestiterit] ⟨iudicium accepit⟩ (?); [quod si — *fin*] Levy Konk 1, 208 sqq
[nec]; [non]; [sed solutione]; [*pp* proinde — *fin*] De Ruggiero Bull 19 (1907) 58—60
[nec]; [non — liberantur]; [proinde — alium pervenietur]; [nam — *fin*] De Ruggiero lez obbl (1920/21) 107
[nec] ⟨et⟩; [non enim]; [sed solutione]; [quod interest praestiterit] ⟨conventus sit vel praestiterit⟩; [si — idemque et]; [nam]; [alium] ⟨alterum⟩ Betti eff estint 16
[nec] ⟨sed⟩; [non — liberantur]; [quod — praestiterit] ⟨fuerit conventus⟩; [quod si — pervenietur]; si alter ⟨qui⟩; [et idcirco — *fin*] ⟨conventus sit, alter qui dolo fecit liberabitur: sed is qui convenitur alterius nomine condemnari potest⟩ Kerr Wylie Solidarity 260 sqq

§ 44 [*pp* § 44] Rotondi Scr giur 2, 74
[et ambo agant] gl (?) Arangio-Ruiz Arch giur 78 (1907) 237 n 1
[et ambo agant]; [condemnationem faciendam] ⟨agendum⟩ Biondi compensazione 88
[et — deposuerunt]; poterit ⟨unusquisque⟩ Perozzi Ist¹ 2, 106 n 1
[si quidem — *fin*] Eisele Arch z Pr 77 (1891) 449 n 67 Binder Korrealobl 450 n 17 Redenti Arch giur 79 (1907) 57 n 1 Kr Riccobono communio 107 n Pringsheim Kauf 141 n 6 VJR (?) 5, 2, 521, 51. 558, 3 et 21. 603, 51
[si quidem — *fin*] ⟨alteri qui prior ad sententiam pervenerit res tradenda est, ita ut caveat reum adversus alterum defensu iri⟩ Kerr Wylie Solidarity 260. 263 sq

§ 45 [*pp* § 45] Segrè Stud Fadda 6, 355 n 3. 358 n

§ 46 [*pp* § 46] Segrè l c

§ 47 [*pp* § 47] Segrè l c Rotondi Scr giur 2, 21 n 1. 99. 129 et n 2. 147 Albertario Bull 33 (1923) 27 n 3
[vel commodatam] (*bis*) gl Lenel 896 T De Ruggiero Bull 19 (1907) 46 Betti Rend Lomb 49 (1916) 245 Haymann SZ 40 (1919) 185. 248 n 1 Arangio-Ruiz responsabilità contratt 42 n 1
[depositam vel commodatam] ⟨fiduciae causa datam⟩ (*bis*) Ferrini Arch giur 52 (1894) 493 ⟨fiduciae causa mancipio

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1 § 47 datam⟩ ⟨*bis*⟩ Pernice (?) SZ 9 (1888) 227 n 6 Kr
de re ⟨depositi actione⟩; pervenit ⟨in factum actione⟩ Betti l c
[hoc — *fin*] De Ruggiero l c Betti l c

2 [$\overline{pp}$ 2] Rotondi Scr giur 2, 21 n 1. 99. 147
[aut — vendidit] Zachariä SZ 4 (1883) 56 n 5 Kr Schulz SZ 27 (1906) 137 n 2 Solazzi Bull 31 (1921) 56 n 4
[aut — debuit](?) Lenel 478

3 inscr [primo] Bluhme ZGRW 4 (1820) 429 Lenel 896; EP [3] 8 n 6. 288 n 2 (§ 106) Rotondi Scr giur 2, 129 n 2 ca Pernice Labeo 2, 1 [2], 132 n 1

3 [$\overline{pp}$ 3] Rotondi l c 21 n 1. 99. 129 n 2 Haymann SZ 40 (1919) 248 n 1
[culpa] ⟨dolo⟩ (?) Segrè Stud Fadda 6, 355 n 3. 357 n Mitteis RPR 327 n 41

4 [simili — *fin*] De Ruggiero Bull 19 (1907) 49 Levet bénéfice de compétence 200 n 151

5 pr [$\overline{pp}$ pr] Levy SZ 36 (1915) 68 n 2
[contrarium] Partsch neg gest 54 n 2. 55 n 3
[merito] Bes 2, 114 Kr Suppl
[non enim — *fin*] Bes 2, 114; 3, 79 Schulz Festschr Zitelmann 21 Kr Suppl ca Kübler SZ 38 (1917) 79

§ 1 [depositi — competit] U[um] sequestrariae actionis formulam retulisse censet Lenel 898; EP [3] 290 (§ 106) cf Kr ca Arangio-Ruiz Arch giur 78 (1907) 245 sq

§ 2 [§ 2] Faber rat adhl
[$\overline{pp}$ § 2] Albertario Ann Perug 31 (1919) 4, 1, 42 n
[nam — *fin*] Kr Suppl
[contra — deponere](?); [nisi — interveniente]; [arbitratu iudicis] De Ruggiero Stud Cagliari 1 (1909) 133 n 1
[nisi — interveniente] Jörs RE 5, 525. 529

7 pr [$\overline{pp}$ pr] Rotondi Scr giur 2, 98 n 3
[dolo — quia] Lenel SZ 38 (1917) 271
[dolo — *fin*] De Medio Bull 17 (1905) 26; 18 (1906) 282
[cum posset — *fin*] Eisele (?) Beitr 231 Kr Binding Normen 2 [2], 2, 731 n 42; cf SZ 39 (1918) 24 Lenel SZ 38 (1917) 272 gl(?) Arangio-Ruiz Arch giur 76 (1906) 473 n cf Rotondi l c 100 n 3

§ 1 Datur ⟨haec⟩; [depositi]; defuncti ⟨pro qua parte heres est, ex dolo ipsius⟩; [quamquam — *fin*] Beseler SZ 45 (1925) 465

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7 § 1 [quamquam — *fin*] Rotondi Scr giur 2, 405 sqq De Francisci Synall 2, 434
[plures — *fin*] Sorrentino respons d eredi p dolo d def n a° depositi 12 sec De Ruggiero Bull 19 (1907) 60 n 1 et Rotondi Scr giur 2, 126 n 1. 303 n 1 ca Rotondi ibid
[alias]; [dolus]; [reique persecutione] ⟨rei persecutio⟩ Betti Rend Lomb 49 (1916) 240

§ 2 [et ante privilegia — *fin*] (?) Solazzi Stud Pavia 9 (1925) 49 (concorso II)
[si bona venierint] Naber Mnem 25 (1897) 284 Solazzi l c 45

8 [plane — *fin*] Solazzi Rend Lomb 58 (1925) 311; Stud Pavia 9 (1925) 50 n 2 (concorso II)
[$\overline{pp}$ 8] Biondi tribonianismi 8

9 [$\overline{pp}$ 9] Sorrentino sec De Ruggiero Bull 19 (1907) 60 n 1 et Rotondi Scr giur 2, 126 n 1 Albertario form Fab 37 (Ann Perug 1920, 251); Riv dir comm 21, 1 (1923) 500 n Guarneri Citati obbl indivis 1, 44 De Francisci Stud Sassaresi 2 (1923) 222
[In]; [agere — *fin*] ⟨fiet condemnatio⟩ Beseler SZ 45 (1925) 465; 46 (1926) 95
[pro parte — *fin*] Albertario delictum 38
[si vero — *fin*] Guarneri Citati l c 1, 42
[delicto — ago] ⟨dolo non pro parte, sed in solidum⟩ Betti Rend Lomb 49 (1916) 241 n 2

10 [qui dolo carent] Sorrentino sec De Ruggiero Bull 19 (1907) 60 n 1

11 [$\overline{pp}$ 11] Rotondi Scr giur 2, 98 n 3. 99 sq. 147 Levy Gruchots Beiträge 56 (1912) 819 Huvelin furtum 1, 710 sqq Haymann SZ 40 (1919) 248 n 1 Siber nat obl 43 n 1
[nec enim-sit]; [hoc ita — solvit] Donatuti Ann Perug 33 (1921) 423
[ex bona fide]; [debebit reddere]; [sine dolo omni]; [hoc est — sit] [iusta — motus]; [credidit — solutionis] Pernice Labeo 2, 1, 171 n 1; 2, 2, 1, 215 n 2 (2 [1], 417) ca Schulz Sabinusfragmente 80
[ex bona fide]; [bonae fidei] Huvelin l c
[hoc est — sit] Eisele SZ 11 (1890) 6 Bremer iurispr antehadr 2, 1, 574 Kr Mitteis RPR 331 n 44 Litten Mél Fitting 2, 613 Binding Normen 2 [2], 2, 743 n 73 Loncao Ann Pal 5 (1917) 93 gl *aut* T(?) VJR 3, 1, 196, 5; 1, 1076, 48
[sed et — *fin*] Steiner dat in sol 30 n 4 num 2

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11 [vel — solutionis] Kr VJR (?) 4, 1, 235, 32; 5, 2, 635, 11
[scilicet — solvit] Kr Suppl

12 § 1 [eadem — *fin*] Arangio-Ruiz Arch giur 78 (1907) 251 Kr Guarneri Citati obbl indivis 1, 168 n 2; Ann Pal 11 (1923) 182 n 1; Ann Messina 1 (1927) 132 n 2
[eadem — iudiciis] Longo Stud Moriani 1 (1906) 203
[sed — *fin*] Faber rat adhl Kr Bertolini app did 1, 332 n 1 VJR (?) 5, 2, 385, 14

§ 2 [pp § 2] Arangio-Ruiz Arch giur 78 (1907) 249 sqq De Francisci Synall 1, 318 n 1 cf Longo Stud Moriani 1 (1906) 202 sq ca Partsch SZ 31 (1910) 419 n 1
[sequestraria actione] HKrüger Grünh Z 23 (1896) 128

§ 3 [si — *fin*] Biondi Bull 29 (1916) 244 ⟨-?-⟩ Schulz SZ 32 (1911) 82 ca S: Levy SZ 36 (1915) 73 n 6

13 pr [verum] Solazzi Rend Lomb 57 (1924) 305 n 1

§ 1 [pp § 1] Voigt XII Taf 2, 167 n (§ 86 n 1) ca Oertmann fiduc 44 Rotondi Scr giur 2, 21 n 1. 148 n 1 cf Pernice Labeo 3, 1, 229 n 4
[id dolo] ⟨furtum⟩; [verum — *fin*] Naber Mnem 22 (1894) 442

14 pr [pr] Faber rat adhl Bonfante (?) Ist [8] 370 n 2. 462 n 2
[pp pr] Bonfante Scr giur 3, 372 Riccobono communio 104 Guarneri Citati obbl indivis 1, 38 n 2 Zanzucchi Bull 29 (1916) 81 n 2
[dicitur — *fin*] Riccobono communio 104; Ann Pal 3/4 (1917) 390 n 2 Kr Suppl Albertario Riv dir comm 20, 1 (1922) 691 n 3
[cautela — *fin*] Faber coni 12, 16 Cuiac notae adhl Eisele SZ 13 (1892) 126 Ferrini Pand 567 n 3; obbl 490 Rotondi Scr giur 2, 74 n 3 De Ruggiero lez obbl 1920/21 77 Bonfante Ist [8] 462 n 2 cf Jörs RE 5, 525

§ 1 [pp § 1] Faber coni 16, 19; error 18, 10, 8
[utique — si] Pringsheim SZ 42 (1921) 310
[utique — *fin*] Pernice Labeo 2, 2, 1, 140 n 1 Bremer iurispr antehadr 2, 1, 573 Ferrini Pand 588 n 1 VJR(?) 1, 1129, 13 Kr Betti lit aest 23 Schulz SZ 32 (1911) 81 Biondi Bull 29 (1916) 244 Guarneri Citati obbl indivis 1, 38 n 2

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16 [pp 16](?) Bonfante Ist [8] 398 n 3

17 pr [pp pr] Jörs röm Priv R 156
[licet — attamen] Gradenwitz SZ 26 (1905) 360 Ferrini Bull 14 (1901) 216 Kr Suppl Kerr Wylie Solidarity 257

§ 1 [pp § 1] Dernburg Besitz 64 n 7 Savigny-Rudorff Besitz 665 n 87
[nam — *fin*] Eisele SZ 11 (1890) 18 Bes 3, 100 Kr Suppl Jörs l c 77 n 4 ca Ubbelohde-Glück 43/44 5, 501 n 96 d
[id — *fin*] (?) Dernburg Pand 1 § 173 n 5

19 inscr [Ulpianus] ⟨Paulus⟩ Lenel Paul 264; EP [3] 144 n 6 (§ 52)

20 [pp 20] De Ruggiero Bull 19 (1907) 43 sq
[depositam] ⟨vel commodatam⟩ Lenel EP [3] 155 n 3 (§ 56)

21 § 1 [licet — *fin*] Buckland slavery 698

22 inscr [quinto] ⟨sexto⟩ Lenel 60 Kr(?)

22 [pp 22] Sorrentino Stud Scialoja 1, 651 n 1. 661 De Ruggiero Bull 19 (1907) 60 n 1 Rotondi Scr giur 2, 129 n 3 Bes 3, 28 Levy SZ 36 (1915) 48 Bonfante Scr giur 3, 372; Ist [8] 370 n 2
[quodam — partes] ⟨in solidum⟩; [nam si — *fin*] Beseler SZ 46 (1926) 95
[quodam — partes] ⟨in solidum⟩; nam ⟨hoc quoque casu⟩; [et uterque solvendo est]; [in partes] ⟨in solidum⟩; [nec — interest]; [quodsi] ⟨non aliter ac si⟩; [certe]; est [in solidum] [et nisi — *fin*] Guarneri Citati obbl indivis 1, 34—42 cf De Francisci Stud Sassaresi 2 (1923) 222
[et uterque solvendo est] Levy Konk 1, 214
[et nisi — *fin*] Riccobono communio 107 Levy Konk 2, 1, 240 n Kr Suppl
[nec tamen — *fin*] Faber error 80, 6; rat adhl Kr Eisele SZ 30 (1909) 120 Lenel EP [3] 288 n 12 (§ 106) ca Gradenwitz Festg Güterbock 311 n 1
[nisi — plane]; [condemnandum — *fin*] Betti lit aest 2, 18 n
[plane] Biondi Bull 32 (1922) 65 n 4

23 [servo constituto] Dernburg Kompens [2] (1868) 249 n 1 Eisele Compens 353 n 102; SZ 13 (1892) 138 Lenel 9 Ferrini Arch giur 52 (1894) 498 n 1; Glück ital 13, 262 n 1 Bertolini app did 1, 339 n 1 Rotondi Scr giur 2, 82. 89 Riccobono Ann Pal 3/4 (1917) 406 n 2
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24 [$\overline{pp}$ 24] Kübler SZ 28 (1907) 207 n 4 Albertario Bull 25 (1912) 25 Monnier-Platon NRH 37 (1913) 625 n 3 Bes 3, 62 Partsch Arch f Papyrusforschung 7 (1924) 276 Jörs röm Priv R 155 n 3 Arangio-Ruiz Ist [2] 286
[centum nummos] ⟨HSC nummum⟩(?); quaestione [si] ⟨cum⟩ (?); [cum — reddi](?); [facile — est] ⟨est dicendum⟩ (?) Segrè Bull 19 (1907) 209 sqq
'quod ita — dicendum est' *adnotationis esse putant* Lenel 167 Niemeyer depositum irregulare 33—39 Segrè l c 223 Kübler SZ 29 (1908) 204 sq Kr
[quod ita — dicendum est] Longo Bull 18 (1906) 131 Rotondi Scr giur 2, 63 n 1. 248 ChAppleton Rev gén 37 (1913) 54 Bonfante (?) Ist [8] 463 n 2 VJR(?) 3, 1, 57, 46. 240, 29; 4, 1, 243, 7. 287, 40 ca Segrè l c 220 sqq Kübler SZ 29 (1908) 204 sq Costa storia dir rom priv [2] 366 n; cf Pap 4, 68 Collinet Et hist 1, 119 n 1 Rabel Grundz 461 n 1
[in qua — teneat] Naber Mnem 34 (1906) 63 ca Segrè l c 222 sq Kübler l c Collinet l c
[et est — *fin*] Rabel Grundz 461 n 1
[contra — naturam est] Pringsheim SZ 42 (1921) 652 n 2
[et depositi naturam] Rotondi l c 210. 249 sq Collinet l c 117 n 3. 118 n 2. 119 n 3
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[si tamen — *fin*] Naber l c 61 Longo l c Segrè(?) l c Kübler(?) SZ 29 (1908) 204 sq Kr Rotondi l c 63 n 1. 85. 173. 249. 263 n 2 ChAppleton l c De Francisci Synall 2, 434 sq Bonfante l c Weiss RE XII 24 (1925) 2318, 63 s v lex ca Costa l c Collinet l c 119

25 § 1 [$\overline{pp}$ § 1] Rotondi Scr giur 2, 85 n 1 Arangio-Ruiz Ist [2] 286 *genuin* Bertolini app did 1, 349
[non — redderet] ChAppleton Rev gén 37 (1913) 54
[ut — redderet] Naber Mnem 34 (1906) 62 Longo Bull 18 (1906) 135 Segrè(?) Bull 19 (1907) 227 sqq Kr Collinet Et hist 1, 120 Bonfante Ist [8] 463 n 2 Partsch Arch f Papyrusforschung 7 (1924) 276 Jörs röm Priv R 155 n 3 ca Kübler SZ 29 (1908) 206

26 pr (?) Haymann Schenkg 154 n

§ 1 [et ideo — *fin*] Lenel 1474 VJR(?) 1, 1026, 52 Longo Bull 18 (1906) 129

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26 § 1 Naber Mnem 34 (1906) 60 sq Seckel s v ideo Segrè Bull 19 (1907) 198 Kübler SZ 28 (1907) 207; SZ 29 (1908) 190. 203 Kr (?) Dig Rotondi Scr giur 2, 62 sq. 63 n 1. 85. 173 Collinet Et hist 1, 116 n 2 De Francisci Synall 2, 435 Huvelin NRH 42 (1918) 99 n 3 Bonfante Ist [8] 463 n 2 Arangio-Ruiz Ist [2] 286 ca Vangerow Pand [7] 3, 417. 418 (§ 630 n II 3)

27 [ex — peculio] ⟨per condictionem⟩(?) Segrè Bull 19 (1907) 232 n 3

28 [$\overline{pp}$ 28] Jörs RE 5, 529 Segrè Bull 19 (1907) 232 n 3
[viginti — quos] ⟨sestertiorum XXV nummum quae⟩ Lenel 233 cf Kr
[id — habebo] Eisele SZ 11 (1890) 6 Kr gl *aut* T Jörs röm Priv R 155 n 3

29 § 1 [§ 1] Longo Bull 18 (1906) 124 sqq Segrè Bull 19 (1907) 198. 199 n 5 Kübler SZ 29 (1908) 203 Kr Rotondi Scr giur 2, 62 sq. 63 n 1. 173. 251 Collinet Ét hist 1, 116 n 1 VJR(?) 4, 1, 195, 49 Bonfante Ist [8] 463 n 2 Arangio-Ruiz Ist [2] 286 ca Costa storia dir rom priv [2] 366 n
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31 pr [pr] Bes 3, 136 Haymann Jher Jb 77 (1927) 226
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ED.

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[dissoluta — dolum est] Lenel 130 n 2 De Medio Bull 17 (1905) 23 Seckel s v neglegentia Kr Mitteis RPR 333 n 56 VJR (?) 4, 1, 79, 53. 80, 32 Binding Normen 2[2], 2, 724 n 25. 749 n 84. 769; SZ 39 (1918) 24 n 1 Albertario Bull 25 (1912) 39; Arch giur 89 (1923) 258 n 2; Riv dir comm 20 (1922) 687 n 1 Suman Att Ven 78 (1918/19) 234 Arangio-Ruiz responsabilità contratt 262
[pari — *fin*] Lenel 130 Kr VJR (?) 1, 1028, 27; 3, 1, 172, 3; 4, 1, 37, 13; 5, 2, 620, 7
[potuit enim — *fin*] Eisele SZ 18 (1897) 21 ca Kalb Arch lat Lex 4 (1887) 645; J Ber klass Alt 134 (1907) 85

§ 1 [§ 1] Vassalli Stud Sen 30 (1914) 52
[et si — *fin*] Haymann Haftg 100 n 3 Kr Suppl ⟨— ? —⟩ Donatuti mandato 1, 111 sqq

§ 2 [$\overline{pp}$ § 2] Gradenwitz Itpp 33 VJR (?) 1, 746, 43. 1045, 33. 1046, 51. 1048,

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29 § 2 4; 2, 1, 84, 48; 4, 1, 287, 29; 5, 2, 613, 48
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§ 3 [§ 3] Lenel 130 n 2 Kr Bes 3, 184
[$\overline{pp}$ § 3] Gradenwitz Itpp 33 De Medio Bull 18 (1907) 272 Rotondi Scr giur 2, 98 n 3 VJR (?) 1, 704, 43. 929, 27; 3, 1, 198, 53. 311, 37; 5, 2, 516, 35. 527, 11. 616, 26 ca Kalb Arch lat Lex 4 (1887) 645; RJ 91
[dolo — debitori] Gradenwitz l c Binding Normen 2 [2], 2, 724 n 25. 750 Lenel SZ 38 (1917) 283 Albertario Arch giur 89 (1923) 258 n 1 ca Binding SZ 39 (1918) 24 n 1
[ne — *fin*] Faber coni 18, 20

§ 4 [§ 4] Bes 1, 49 cf Beseler SZ 46 (1926) 142
[$\overline{pp}$ § 4] VJR (?) 1, 917, 25; 2, 1, 27, 46 Wirbel cognitor 68 n 2
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[cui — disputare] Pringsheim SZ 42 (1921) 652. 663
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§ 5 [§ 5] Faber rat adhl; coni 18, 1 Gradenwitz Itpp 33 Eisele SZ 10 (1889) 305 Lenel 130 n 4 VJR (?) 1, 516, 49. 611, 26. 848, 6. 870, 12. 996, 16. 1044, 34. 1067, 22. 1068, 42; 4, 1, 147, 40; 5, 1, 87, 51 Kr Püschel Confessus 117 Wenger Inst 220 n 27
[In — sunt] Cuiac Quaest Paul 3 ad D 22, 3, 25 (5, 963 C)
[— visionibus —] Seckel s v visio
[nisi — *fin*] Seckel s v nisi

§ 6 [Fideiussor] ⟨Fidepromissor⟩ Francke Civ Abh 74 ⟨Sponsor⟩ Gradenwitz Itpp 33 Lenel 130 n 5 Kr Donatuti mandato 1, 116 sqq
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[tempore] Savigny Syst 5, 400 n h Huschke Gai 87
[tamen]; [recte — liberavit] ⟨— ? —⟩ Donatuti l c
[mandati habebit actionem] ⟨depensi aget⟩ (?); [mandati iudicio] ⟨depensi iudicio⟩ (?) Gradenwitz l c

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29 § 6 [si igitur — reciperare] Beseler SZ 45 (1925) 456

30 [$\overline{pp}$ 30] VJR (?) 4, 1, 145, 17. 309, 47 Haymann Freilass 48; SZ 38 (1917) 225 n 2
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[si procurator — *fin*] Scaduto l c Kr (?) Suppl
[veluti — *fin*] ⟨— ? —⟩ Rechnitz l c
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[quamvis — *fin*] (?) Seckel s v perducere 1

32 [$\overline{pp}$ 32] Bonfante Scr giur 3, 114 n 2 H Krüger exc doli 1, 210 n 152 Rotondi Scr giur 2, 324 n 2 Rabel Grundz 539 n 2
quam ⟨si⟩; hoc ⟨nomine⟩; [ei] ⟨id⟩ Bes 2, 7; 3, 12 Bortolucci Bull 27 (1915) 147; 28 (1916) 240
[et in summa — mandet] Bortolucci mand cred 16; Bull l c; cf SZ 47 (1927) 535 G Segrè Riv It sc giur 28 (1899) 229 n 132 Perozzi obbl 41 n De Francisci Synall 2, 458
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33 [$\overline{pp}$ 33] Bortolucci Bull 28 (1916) 253 n 1
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33 tasset⟩; rogavit ⟨negotium alienum gessisse videtur.⟩ Pampaloni l c

34 pr [pp pr] Bonfante Scr giur 3, 114 n 2; traduz Windscheid 5, 457
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[alioquin — posse] Perozzi Stud Schupfer 1, 188; obbl 41 n De Francisci Synall 2, 460
[ex omni contractu] Bonfante traduz Windscheid l c Kr Nov Suppl
[benigne] Donatuti Ann Perug 33 (1921) 697 ⟨contra rationem⟩ Bes 3, 41
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[et in proposito — *fin*] Rabel Grundz 460 n 4 Donatuti l c
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[pp pr i f] (?) VJR 1, 1017, 24

§ 1 [nam si — *fin*] De Medio Arch giur 68 (1902) 236 Kr (?) Bortolucci Bull 27 (1915) 178 n
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35 [pp 35] VJR 1, 74, 1. 487, 1
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36 § 1 [Simili — ubi] ⟨Si⟩ (?) Bes 3, 69
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37 [pp 37] De Medio Arch giur 68 (1902) 236 Marchi Stud Scialoja 1, 176 Biondi Bull 21 (1909) 231 n 2; 26 (1913) 43 n 1; 32 (1918) 68 n 5 Guarneri Citati Ann Pal 11 (1923) 166 et n 1 Genzmer SZ 44 (1924) 135
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38 pr [non donationis causa]; [iudicem] ⟨iudicium communi dividundo⟩; [et Titius — petitionibus] Beseler SZ 45 (1925) 252
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38 § 1 [praesertim — *fin*] Kr Suppl

39 [deponi mandatumque] ⟨fiduciae causa⟩ (?); [depositum vel mandatum] ⟨depositi vel mandati causa⟩ (?) Pernice Labeo 3, 1, 139 n 2 Segrè Stud Fadda 6, 350 n 1; Bull 19 (1907) 204 n 1 Albertario Bull 25 (1912) 26 sq Rabel Grundz 480 n 6 Haymann SZ 40 (1919) 208 n 2 Levy Konk 2, 1, 74 n 3 cf Rotondi Scr giur 2, 117. 157 n 2. 390 n 2

40 [praesente] ⟨absente⟩; [fideiusserim] ⟨spoponderim⟩; [nec — nec] ⟨iudicium⟩; ⟨non⟩ est; [utilem] Frese Mél Cornil 1, 366 n 4

41 [Potest — nam] gl Beseler SZ 43 (1922) 542
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42 [pp 42] (?) Heldrich Verschulden 17
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43 [cum dilatione temporis] Lenel EP [3] 155 n 1 (§ 56)

45 pr [ageres] ⟨agere⟩; mandati ⟨possis⟩ Beseler SZ 45 (1925) 253
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§ 2 [dum — geris]; [et]; agere ⟨non⟩; [aut — *fin*] Beseler SZ l c

§ 3 [§ 3] Beseler SZ l c
[iudicio — promisero] ⟨vindex pro te exstitero *similiave*⟩ Lenel (?) 1113 Kr Donatuti mandato 1, 41 sq ca Naber Mnem 21 (1893) 376 cf Partsch SZ 30 (1909) 498

§ 4 [humanius — *fin*] Riccobono Bull 7 (1894) 233 H Krüger (?) SZ 19 (1897) 36 Kr VJR (?) 3, 1, 169, 19 Pringsheim SZ 42 (1921) 663 Donatuti Bull 33 (1923) 194; mandato 1, 41. 50 ⟨antequam solvas, vel ideo mecum agere non potes, quia non id fecisti, quod ut faceres tibi mandavi⟩ (?) Beseler SZ 45 (1925) 253
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§ 5 [§ 5] Beseler SZ 45 (1925) 253 Donatuti mandato 1, 50

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45 § 6 bus — factis] ⟨iudicati iudicio ex iusta ratione suscepto⟩ Seckel Festg Bekker 330 n 2
[ex iusta ratione] Donatuti Ann Perug 33 (1921) 410
§ 7 [quamvis — pertineat] Bortolucci Bull 27 (1915) 178 n 2
[tunc enim — *fin*] Guarneri Citati Riv dir civ 12 (1920) 343; SZ 47 (1927) 527
§ 8 [sequenti mandato] ⟨litis contestatione⟩ Bortolucci l c Guarneri Citati Riv dir civ 12 (1920) 343 n 2

46 [igitur — *fin*] Bes 1, 84; 2, 23; 3, 106. 144 Donatuti Bull 33 (1923) 182; mandato 1, 68

47 pr [promiserit] ⟨dixerit⟩ Lenel 334 Kr Albertario Rend Lomb 58 (1925) 97 Donatuti mandato 1, 80 sq
[quia — *fin*] Albertario l c Donatuti l c
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§ 1 [sed si — *fin*] Donatuti l c 121 sq

48 pr [fideiussisset] ⟨fidepromisisset⟩; [fideiussor] ⟨fidepromissor⟩ (*bis*); [fideiussori] ⟨fidepromissori⟩ (*bis*) Lenel 68 (nunc dubitat) Kr Ch Appleton (?) Mél Cornil 1, 77
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[parum — *fin*] Bes 1, 84 Kr
[ceterum] Guarneri Citati misc eseg 1, 37 n 2
§ 1 § 1 *genuin* Rotondi Scr giur 2, 257 n 1 ⟨Si tibi mandavero quod mea non intererat, veluti ut pro Seio intervenias vel ut Titio credas . . .⟩ cum ⟨vero⟩; praestes ⟨ita, ut⟩ Beseler SZ 43 (1922) 542
consistere ⟨quemadmodum si mandem, ut mihi quemvis fundum emas⟩ Huschke PK 27; Darl 30
§ 2 [*pp* § 2] Bortolucci Bull 27 (1915) 162
[Ceterum — formam est] Bes 1, 84; 2, 23; SZ 43 (1923) 542 ca Zachariae SZ 6 (1885) 28 Rotondi Scr giur 2, 188. 257 n 1
[Ceterum] Guarneri Citati misc eseg 1, 37 n 2
[id est — credas] Eisele Arch z Pr 84 (1895) 324 n 6 Kr Bortolucci l c
[quemadmodum — *fin*] Huschke PK 27; Darl 30 ca Zachariae l c Rotondi l c
[mihi] ⟨tibi⟩ Bortolucci l c
[quemvis] Bes l c

49 [*pp* 49] Ferrini obbl 692 Marchi Bull 16 (1904) 270 Solazzi Riv It sc giur

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49 50 (1911) 244 n 2 Heldrich Verschulden 27 n 13
[et possideo] Beseler SZ 45 (1925) 246
[cum forte — emisset] Schulz SZ 38 (1917) 137 Kr Suppl
[vel contra — quaesitum est] Beseler l c
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[quamvis — *fin*] Schulz l c Kr Suppl
[quamvis — idcirco] ⟨vindicantem exceptione rei venditae et traditae repelli posse, sed⟩ Beseler l c
[sed contra — *fin*] Beseler l c
[contra mandati — *fin*] Amann procurator u mandatarius (1879) 17. 30 Mancaleoni Arch giur 61 (1898) 460 Peters Leipz S Ber 65, 1 (1913) 96 cf Solazzi l c

50 pr [*pp* pr] Solazzi Rend Lomb 55 (1924) 303
[is] ⟨procurator⟩ Solazzi Rend Lomb 56 (1923) 147 n
[idque — fecit] Donatuti mandato 1, 133 sq ⟨nisi ratum id habuit fideiussor⟩; fideiussorem ⟨non⟩ Beseler SZ 45 (1925) 256
[nec — *fin*] Beseler l c
[tamen] Donatuti l c
§ 1 [sive quid — solvendi] ⟨ex necessitate solvendi sive quid⟩ Mommsen Dig Scialoja Dig Mil Donatuti mandato 1, 136

51 [Fideiussor] ⟨Sponsor⟩ Lenel 38 ca Donatuti mandato 1, 141 n 1
ab eo ⟨cui solvit⟩ Kr Donatuti l c 141 n 2

52 [*pp* 52] Freudenthal Entwicklungsgesch 36 Albertario Riv dir comm 23, 1 (1925) 177 cf Seckel-Levy SZ 47 (1927) 136 n 2
[Fideiussorem, si] ⟨qui⟩ Pernice Labeo [2] 2, 2, 1, 106 n 1
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[Fideiussorem] ⟨Sponsorem⟩; [sine — tritici] gl *aut* T; [itaque — *fin*] Guarneri Citati misc eseg 1, 31
[id est — triticum] gl Kr
[condicet] Iavolenum de depensi actione egisse putat Lenel l c; EP [3] 215 n 1 (§ 83—88)

53 [utrosque obligatos] ⟨utrumque obligatum⟩ Partsch neg gest 18. 26 Solazzi Riv It sc giur 66 (1922) 4
[vel ignorante] Kr Suppl ⟨absente sine mandato⟩ Partsch l c Solazzi l c ⟨vel absente⟩ Donatuti mandato 1, 9. 11

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53 [non — promittendi] gl Partsch l c Solazzi l c Donatuti l c

54 pr [pr] Ferrini Pand 526 n 1 ca Solazzi Bull 18 (1906) 236
[$\overline{pp}$ pr] (?) VJR 3, 1, 277, 49
[sed si — habendam] Marchi Bull 16 (1904) 264 Biondi iud b f 84 Albertario Arch giur 89 (1923) 4 n; Riv dir comm 24, 1 (1926) 31 n ca Solazzi l c
[mandati] ⟨ex vendito⟩ (?) Haymann Freilass 58 n 2
[finge — habendam] Costa Pap 2, 89 Ferrini obbl 684 Solazzi l c
[placuit — habendam] Pernice Labeo 3, 1, 185 Solazzi l c Kr Pringsheim SZ 42 (1921) 274 Schaeffer Vermögensinteresse d Gläubigers (diss Bern 1923) 79. 84
[et affectus — habendam] Arangio-Ruiz Bull 25 (1912) 185 n
[neque — potest] Bes 4, 114 n 2

§ 1 [§ 1] Ferrini Pand 526 n 1
[contraria — actione] (?) Gradenwitz Itpp 121
[ut tamen — venditorem] Rabel Grundz 466 n 5
[finge — *fin*] Bes 3, 12 Biondi iud b f 71. 152 n 5 Kr Suppl Pringsheim Festschr Lenel 243 n 6

55 [55] Donatuti Ann Perug 33 (1921) 698; Rend Lomb 56 (1923) 353. 363

56 § 3 [ut — *fin*] Dig Mil Kr Suppl

§ 4 [necessario]; [procurator] Solazzi Rend Lomb 56 (1923) 154 n 2 Donatuti Ann Perug 33 (1921) 698

57 [non animo — fecerat] Albertario animus furandi 16
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58 § 1 [$\overline{pp}$ § 1] Rotondi Scr giur 2, 333 n 2
[pactus — eaque] Bes 2, 73. 97; 3, 3; 4, 234 Bortolucci Bull 28 (1916) 212
[et fideiussori] Mitteis SZ 33 (1912) 201 sq Bortolucci l c cf Kr Suppl
esset [et] Bortolucci l c
[sicut — praestaturus est] Bortolucci l c
[sicut — privilegium] Mitteis (?) l c Kr Suppl
[qui potuit — praetoris] Mitteis l c
[id ipsum proclamare nec] (?) Seckel s v proclamare 4
[nec enim — praestaturus est] Bes l c

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58 § 1 [vel fideiussori, quibus] ⟨qui⟩ Mitteis l c
[plane — *fin*] (?) Mitteis l c Kr Suppl
[fideiussorem] ⟨mandatorem⟩ Mitteis l c Bortolucci l c

59 inscr [quarto] ⟨quinto⟩ (?) Lenel 1480 n 1

pr [stipulatus — animo] ⟨adstipulatus esset⟩ Pernice apud Lenel 1480 n 2 Kr Pringsheim SZ 42 (1921) 306
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§ 1 [$\overline{pp}$ § 1] Pernice SZ 9 (1888) 217 n 2 Bonfante Scr giur 3, 114 n 2
[cum in — *fin*] De Francisci Synall 2, 463 Kr Nov Suppl

§ 3 [post — *fin*] Biondi compensazione 80 sq. 93

§ 4 [$\overline{pp}$ § 4] Gradenwitz Itpp 85
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§ 5 [licet — *fin*] Bortolucci Bull 28 (1916) 207 Kr Suppl
mandato ⟨aliud⟩; [indemnem — *fin*] gl Bes 2, 110

60 § 1 dotem Seio ⟨non⟩; [ex causa mandati]; [palam — *fin*] Bortolucci Bull 28 (1916) 242; cf SZ 47 (1927) 535
[palam — mandasse] Bes 2, 73 Kr Suppl

§ 2 [dummodo — *fin*] Eisele Arch z Pr 77 (1891) 458 n 75
[debere — *fin*] Levy Konk 1, 203 Kr Suppl Kerr Wylie Solidarity 324 sq
[unusquisque] ⟨uterque⟩; [unumquemque — *fin*] ⟨utrumque in solidum teneri⟩ Bes 4, 274

§ 3 [vel tacito intellectu] Schulz SZ 33 (1912) 52 n 3 Bes 4, 79 Kr Suppl Koschaker Festschr Hanausek 152 n 5 Albertario Rend Lomb 58 (1925) 101 n
[nullam — doceat] Bes l c Albertario l c

§ 4 [non administrandi — sed] Pringsheim SZ 42 (1921) 283 Albertario Riv dir comm 21, 1 (1923) 498 n 2 Donatuti Bull 33 (1923) 174 Solazzi Aeg 5 (1924) 11
[vel mandasset] Scialoja Dig Mil

62 pr respondit ⟨non⟩ Riccobono SZ 43 (1922) 313 Guarneri Citati Ann Pal 11 (1923) 189 n 6

§ 1 [fideiussisset] ⟨fideiussit⟩; [mandasset⟩

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62 § 1 ⟨mandavit⟩; [et alias — esset] Beseler SZ 45 (1925) 439
[quam] (?) Scialoja Dig Mil
[teneretur] ⟨tenerer⟩ Scialoja l c ⟨tenear⟩ Beseler l c
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1 pr [id — vivunt] Poisnel NRH 3 (1879) 442 Cugia Glück ital 17, 118 n Bertolini app did 1, 761 n 3
[vel sub condicione] Wissenbach embl 39 Poisnel l c Lenel 492 VJR 1, 885, 48 Cugia l c Kr De Francisci Bull 22 (1910) 206
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2 [2] Riccobono l c 188 Schulz l c Kr (?) Suppl
3 § 2 [pp § 2] Vassalli misc crit 1, 23
4 pr [et re et verbis] (?) Segrè Stud Simoncelli 344 n 4 ⟨per epistulam⟩ (?) Levy Ehescheidung 57 n 5
5 § 1 opera ⟨sua⟩ Ferrini Dig Mil
6 [ad boni — *fin*] Albertario arb b v d debitore n determinazione d prestazione 13; Riv dir comm 24, 1 (1926) 32; Stud Zanzucchi 30 sq (estr: arb b v n onerato di fedecommesso)
7 [hoc est — *fin*] (?) Eisele SZ 11 (1890) 7 Grünwald Heidelb Diss 42 ca Kipp Krit Viert 33 (1891) 539
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9 [fortassis — *fin*] Pernice Sakr 2, 1195 n 4 Vassalli misc crit 1, 27 Bes 3, 90; 4, 69 cf Di Marzo Mél Girard 2, 147 n 9 ca Karlowa RG 2, 656 n 1 Bertolini app did 1, 746 n 1
[sed — *fin*] Lenel 2739 Albertario Ann Perug 31, 4, 1 (1919) 16 n 1 ca Karlowa l c Bertolini l c
10 [10] (?) Vassalli misc crit 1, 27
[et quia] ⟨quamquam⟩ (?) Bes 4, 69
14 [sed — *fin*] (?) Cugia Glück ital 17, 118 n 1
[aut — *fin*] Bes 3, 65
16 pr [sed hoc — *fin*] (?) Kr Suppl
§ 1 [pp § 1] Riccobono communio 51 n 3
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17 pr [pp pr] Berger Teilgskl 204 Riccobono Ann Pal 3/4 (1917) 196 n

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17 pr [sed et] (?) Segrè Riv dir comm 12 (1915) 1068 n
[accipit — et] Berger l c
[societatis — dividundo]; iudicio ⟨pro socio⟩ Riccobono communio 89
[aut — dividundo] Kr Suppl
§ 2 [pp § 2] Levy Ehescheidung 73 n 1
21 [id est — *fin*] Eisele SZ 11 (1890) 7 gl Kr VJR (?) 5, 2, 589, 40
23 pr [actionem — ut]; [ultra] Bes 3, 184
[indemnes eos] ⟨damnum⟩ (?) Bes 2, 110 ⟨damnum eis⟩ Bes 3, 184
[quia — *fin*] Schulz (?) Grünh Z 38 (1911) 54 Bes 3, 184
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24 [nisi — *fin*] Albertario Fil 36 (1911) 822 Kr Suppl
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EDD.

ANDREAS B SCHWARZ ET PAUL PFISTER

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[scientem] Bonfante traduz Windscheid 5, 268
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[nec cuiuscumque — *fin*] Bonfante traduz Windscheid 5, 268. 281 Albertario Arch giur 96 (1926) 111
[si scias] Gradenwitz l c
[ut] ⟨nec⟩ sacra; [ut est — *fin*] gl (?) Scialoja Bull l c
[ut] ⟨nec⟩ sacra *aut* [ut sacra — *fin*] (?) Scialoja lez l c

§ 1 [pp § 1] (?) Boyer recherches 109 sq
[pp nec conturbari — *fin*] Beseler SZ 43 (1922) 436 Guarneri Citati Bull 33 (1923) 219 sq n 1
[nec conturbari — *fin*] Stoll SZ 47 (1927) 523

§ 2 [pp Condicio — immutari potest]; [sicuti — *fin*] Stoll SZ 44 (1924) 46 sq. 52 n 4 cf Guarneri Citati Ann Messina 1 (1927) 62 n 7

7 pr [pp pr] Riccobono Mél Cornil 2, 315 n 2
[Haec — servi] ⟨Servo sic vendito⟩; [condicionalis — condicio. sed] π Bes 2, 57 Kr Suppl
[*initium*] gl (?) Seckel-Levy SZ 47 (1927) 152 n 4
[condicionalis — venditio]; [placuit — *fin*] Albertario arb b v d debitore n determinazione d prestazione 26 sq; cf Stud Zanzucchi estr 11 n 4 (arb b v n onerato d fedecommesso)

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7 pr [$\overline{pp}$ pr]; [rationes potuit — accepisse]; [et] ex empto Scaduto Ann Pal 11 (1923) 31 sq

§ 1 quaedam excidisse putant Seckel-Levy SZ 47 (1927) 162 sq
[eum]; [quantum — habeo]; [nec — venditione]; [emptus] ⟨emptum⟩ Beseler Tijdschrift 8 (1928) 287
[nec — venditione] Bes (?) 1, 85 Scaduto l c 45 gl Seckel-Levy l c 162 n 3
'nec — pretium' *genuin* Haymann SZ 41 (1920) 104 n 1 Konstantinovitch periculum 225
[tam evidenti venditione] Bes 1, 85 Kr Haymann l c 104 Albertario Rend Lomb 58 (1925) 252 De Francisci Stud Perozzi 328 Konstantinovitch l c

§ 2 [valet — pretium]; centum ⟨emisse videtur⟩; [emptor] Beseler Tijdschrift 8 (1928) 287

8 pr ⟨Sabinus ait:⟩ nec emptio; [et tamen-fiant] ⟨itaque, si fructus aut partus futuri venierint, tunc venditio perfici intellegitur, cum fructus maturi fiunt aut partus eduntur. quod si dolo malo venditoris fit, quominus partus nascantur aut fructus maturi fiant, de dolo malo agendum erit. ille putat etiam eo nomine⟩ Beseler Tijdschrift 8 (1928) 287
[$\overline{pp}$ pr]; [ut, cum — intellegatur] Pringsheim SZ 44 (1924) 430 n 7

§ 1 [Aliquando — venditio intellegitur] (?); [cum quasi — fit]; [quia — est] (?); [et quod — *fin*] Vassalli misc crit 1, 50
venditio ⟨perfici⟩; [quasi — cum] captus; [emitur — contrahitur] ⟨venit: nam⟩; [quia spei emptio est] ⟨venditio perficitur et pretium debetur⟩; [eo casu]; [quia — *fin*] Beseler Tijdschrift 8 (1928) 287 sq
'quia id actum intellegitur' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1

9 pr [ceterum — imperfecta est]; igitur ⟨cum⟩; [idem — *fin*] Beseler Byzantin-neugriech Jahrbücher 1 (1920) 344
[In venditionibus — imperfecta est]; si [igitur] ⟨cum⟩; [quia — dissensimus]; [idem — *fin*] Beseler SZ 45 (1925) 222
[ceterum — imperfecta est] Seckel-Levy SZ 47 (1927) 151 n 4. 152 n 5. 154 n 1

§ 1 § 1 *genuin* Rabel Grundz 499
[Plane]; [dissentiamus] ⟨erretur⟩ Beseler Byzantin-neugriech Jahrbücher l c
[§ 1] Beseler SZ l c

§ 2 [$\overline{pp}$ § 2] Rabel Grundz 499. 500 n 2 gl Lauria Riv dir civ 19 (1927) 342 sq

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9 § 2 [non erratur] ⟨consentiatur⟩; veneat ⟨vel⟩ aes; [vel plumbum — simile]; quia ⟨inquit⟩; [in vino — ceteris autem]; erratur ⟨quia aliud pro alio venisse videtur⟩ Beseler Byzantin-neugriech Jahrbücher 1 (1920) 344; cf SZ 43 (1922) 416 ca Lauria l c
[in ipso — ut puta si]; veneat ⟨vel⟩ aes; [vel plumbum — simile]; [quia in — erratum]; [in vino — ceteris autem]; [quotiens — *fin*] ⟨quia aliud pro alio venisse videtur⟩ Beseler SZ 45 (1925) 222
[$\overline{pp}$ Inde quaeritur — venditio sit]; [vel — quid simile] gl (?); [quia in corpus consensum est] gl (?); [ego — *fin*] *exceptis verbis* 'aliud pro alio venisse videtur'; ⟨?⟩ Lenel Arch z Pr 123 (1925) 176 sqq. 180. 182. 184; cf Revista de derecho privado 11 (1924) 106 sqq
[quia eadem prope *οὐσία* est] Albertario Arch giur 89 (1923) 258 n 2

11 pr [vel si — erratur] gl Lotmar Krit Viert 26 (1884) 266
[vel si — materiarum] Dig Mil Kr
[pr] Beseler Byzantin-neugriech Jahrbücher 1 (1920) 344 Lenel Arch z Pr 123 (1925) 178 sq. 180 Betti corso dir rom (1924/25) 275 n 1

§ 1 [$\overline{pp}$ (?) Quod si — valebit] Lenel l c 179 sq
[in sexu enim — *fin*] Beseler l c Lenel l c

12 [In — quaestionibus] Di Marzo Pompon 104
In ⟨— ? —⟩ actio (?); contrahit. ⟨sane si meo nomine emat . . . .⟩ (?) Schulz SZ 33 (1912) 77 sq

13 [$\overline{pp}$ 13] Schulz SZ 33 (1912) 52 sq
[Sed] (?); [non] (?) Kr Suppl
[vel ei] Solazzi Riv It sc giur 50 (1911) 235

14 [14] Beseler Byzantin-neugriech Jahrbücher 1 (1920) 344 Lenel Arch z Pr 123 (1925) 179 sq
[$\overline{pp}$ 14] Rabel Grundz 500 n 1
⟨?⟩ venditionem esse (?) Partsch SZ 33 (1912) 612
[venditionem — *fin*] Haymann Haftg 132 sqq Kr Suppl

15 pr [Et — tamen] ⟨Si id quod venit⟩ Beseler SZ 45 (1925) 222
emptio est ⟨et quod solverit eo nomine, emptor condicere potest (D 18, 1, 23)⟩ Henle Vorst u Will 460 sq

§ 1 [§ 1] gl Beseler SZ 43 (1922) 542

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15 § 2 [sed quasi — transire] gl Schulz SZ 38 (1917) 144 Bes 4, 336 De Francisci translatio 20. 24. 28; trasferimento 156
[et ideo etiam] Beseler SZ 45 (1925) 466
dicendum [erit] ⟨esse⟩. ⟨— (?)⟩ Bes 4, 336

19 [*pp* 19] Boyer recherches 74. 75 sq
[aut pretium — *fin*] Pringsheim SZ 35 (1914) 328; Kauf 70 Mitteis SZ 37 (1916) 371
[vel — *fin*] Enneccerus Rechtsgeschäft 256 Seckel (?) s v fides 1) Mitteis RPR 185 n 71 Kr VJR (?) 5, 2, 563, 22
[— vel etiam —] Pringsheim SZ 42 (1921) 659 n 2

20 [seu vestem] T *aut* gl Lenel 548
[seu] ⟨vel *aut* aut⟩ (?) Kalb JL 82 n 1

22 [*pp* 22] Albertario in Rotondi Scr giur 3, 471 n 5 Bonfante corso 2, 1, 32
⟨Sabinus (?) ait⟩ hanc Schulz Sab 64
[non] esse; [sed — *fin*] Albertario Riv dir comm 20, 1 (1922) 682 n 2
[ceterum] Guarneri Citati misc eseg 1, 38 n sec Di Marzo cose 49 sq

24 [24] Albertario l l c c Bonfante l c

25 § 1 [non] Wissenbach embl 41
[*pp* § 1] (?) Jörs röm Priv R 161
[§ 1] ⟨Eum, qui fundum, quem vendidit, emptori stipulanti dare spopondit, fundum non solum mancipare, sed etiam emptoris facere oportet⟩ Beseler Tijdschrift 8 (1928) 288

26 Si [sciens] Kr

27 [27] Hägerström röm Obligationsbegriff 1, 227
[*pp* 27] Huschke iurispr anteiust [5] 718 n 1 Pernice Labeo 2, 1 [2], 466 n 1. 491 Lenel (?) Paul 1782; Cassius 142 Bonfante Ist [8] 213 n 1; corso 1, 413 n 1 Seligsohn (?) iusta possessio 38 n 137

28 [distrahere quem] ⟨distrahi⟩; [: nam — *fin*] Beseler Tijdschrift 8 (1928) 288

29 [sive] ⟨etiamsi⟩ non; [sive exceptum sit] Betti Att Tor 51 (1915/16) 1376

32 [vel ceteras] Bes 2, 86 Riccobono Ann Pal 3/4 (1917) 511 n 2
[cum — *fin*] Bes l c

33 'quid acti sit' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1

34 pr quem [venditor] ⟨emptor⟩ *emendant* Cuiac Observ et emend 1 c 10 Riccobono Bull 6 (1893) 169 n 1 ca Vangerow Pand [7] 3, 261 Exner Tradit 271 n 55
[plerasque — *fin*] Pringsheim SZ 42 (1921) 316 n 3

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34 § 1 [natura vel] Perozzi Ist [1] 1, 66 n 1 Mitteis RPR 63 n b Bonfante corso 2, 1, 71 n 1 ca Longo Rend Lomb 40 (1907) 638 Goudy trichot 27 n 2

§ 2 [scientes] Haymann Haftg 160
[sed nec — *fin*] Vassalli Bull 27 (1914) 211 sqq n 3 cf Pringsheim SZ 44 (1924) 431 n
[talis] Guarneri Citati obbl indivis 1, 50 n 1
[emptio aut]; [quamvis — posse] (?) Pringsheim l c

§ 4 [§ 4] (?) Perozzi Ist [1] 2, 220 n 1

§ 5 § 5 *genuin* Seckel-Levy SZ 47 (1927) 158 Ch Appleton RH 6 (1927) 201
[§ 5] gl Beseler Tijdschrift 8 (1928) 288

§ 6 § 6 *genuin* Schulz Einf 100 cf Bonfante Ist [8] 367 n 2
[sicut in stipulationibus] gl Haymann (?) SZ 41 (1920) 134 sq Seckel-Levy SZ 47 (1927) 214 Ch Appleton RH 6 (1927) 228 n 3 Beseler Tijdschrift 8 (1928) 288 sqq
[et ideo — vixit] Haymann l c Kr Nov Suppl Konstantinovitch periculum 266sqq Beseler SZ 45 (1925) 466 ca Boyer recherches 138 Seckel-Levy l c 214 sqq Ch Appleton l c 228 sq
[: et ideo — vixit] ⟨. si ambo pariter decesserint, utrimque nihil debebitur . si utroque vivente, cum venditor Stichum offerret, emptor quominus acciperet, in mora fuerit, deinde Stichus decesserit, venditor liberatus erit et pretium petere poterit . si utroque vivente per emptorem steterit, quominus alterum acciperet, deinde ambo pariter decesserint, pretium debebitur .⟩ Beseler Tijdschrift l c
[et ideo — respicit] Rabel SZ 42 (1921) 546 et n 2
[et ideo] ⟨—⟩ Seckel-Levy l c 215 sq

§ 7 [similia — curatores] Solazzi Min età 42 ca Lenel SZ 35 (1914) 144
[id est — *fin*] (?) T *aut* gl Lenel l c
[idemque — *fin*] Kr Suppl Beseler SZ 47 (1927) 367

35 § 1 [§ 1] Cuiac Comment ad tit de verb obl l 43 (1, 1195 ed Nap) *genuin* Albertario Stud Zanzucchi estr 12 sq. 30 sq (arb b v n onerato d fedecommesso)
[*pp* § 1] Seckel-Levy SZ 47 (1927) 152 n 5

§ 4 [*pp* § 4] Lusignani respons 2, 39 sq Schulz Krit Viert 50 (1912) 69 sq Haymann SZ 40 (1919) 314 sq. 267 n 2; 41 (1920) 156 n 1 Kr Suppl Vážný

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35 § 4 Ann Pal 12 (1926) 141. 144. 147 Seckel-Levy SZ 47 (1927) 146 n 1. 149 Jörs röm Priv R 161 *genuin* Ch Appleton RH 6 (1927) 233—238

[prius — *fin*] Bes 3, 185 ca Seckel-Levy l c 146 n 1

[de custodia rei] Arangio-Ruiz responsabilità contratt 81 n 1. 168

[talis]; [desideranda] (?); [qualem — adhibet] Seckel s v custodia 1 α β (118 a)

[talis]; [qualem—adhibet] Schulz GrünhZ 38 (1911) 29; SZ 32 (1911) 73 Kübler SZ 39 (1918) 177—180 Kunkel SZ 45 (1925) 303 n 2 Arangio-Ruiz l c

[talis] Guarneri Citati obbl indivis 1, 50 n 1

'ut tamen — emptori' *genuin* Seckel-Levy l c 146 n 1

[unde — *fin*] Pernice Labeo 2, 1 [2], 53 n 5

[$\overline{pp}$ § 4] ⟨Si res vendita, cum per emptorem staret, quominus traderetur, furto perierit, interest, utrum venditor suam rem vendiderit, an alienam. si suam rem vendideret, iudicio empti absolvendus est, si caverit se emptorem cognitorem ad rem vindicandam vel condicendam daturum. si alienam rem vendiderit, ob id ipsum condemnandus est, quod, si suam rem vendidisset, emptorem cognitorem dare posset.⟩ Beseler Tijdschrift 8 (1928) 291

§ 5—7 [$\overline{pp}$ § 5—7] Haymann SZ 40 (1919) 316 n 2; 41 (1920) 98 n 3. 99 sqq. 117 n 3. 136. 162 Konstantinovitch periculum 217 sqq. 229 sqq Boyer recherches 86 n 62 et 63. 128 sq *genuin* Seckel S Ber Berl 1923 p 149 Ch Appleton RH 6 (1927) 201. 223—228

[$\overline{pp}$ § 5—7] ⟨Nunc videamus quid iuris sit, si earum rerum emptio contracta sit, quae pondere numero mensurave constant. et si omne vinum quantum in cella esset uno pretio venierit, idem iuris est quod in ceteris rebus. quod si ita venierit, ut in singulas amphoras certum pretium diceretur, quaeritur, quando videatur emptio perfici. Sabinus et Cassius tunc perfici emptionem existimant, cum vinum admensum sit. diversae autem scholae auctores simulatque de pretio convenerit emptionem perfici putant. sed si pars vini, quod in dolio est, venierit, constare videtur antequam admetiatur emptionem non perfici et omne periculum ad venditorem

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35 § 5—7 pertinere⟩ Beseler Tijdschrift 8 (1928) 291

§ 5 *partim genuin* Rabel SZ 42 (1921) 555 n 3

fere omnia genuina Seckel-Levy SZ 47 (1927) 179—188

modo ⟨quaeritur an sic servandum sit *similiave*⟩ ut; in ceteris [rebus] gl (?) Seckel-Levy l c 179 n 4 et 5. 182

videtur fieri ⟨in singulas amphoras⟩; [ut] ⟨aut⟩ *emendat* Levy l c 180 n 3

ut (aut scr?) ⟨in singulas amphoras aut⟩ *emendat* Seckel ibid

adnumeraveris. ⟨diversae autem scholae auctores putant emptionem perfici simul atque contracta erit.⟩ Seckel l c 188 n 3

adnumeraveris. ⟨diversae autem scholae auctores etiam eam emptionem simul atque de pretio convenerit perfectam esse putant, quia quae venierint statim admetiri adpendi adnumerari nihil vetat. (?)⟩ Levy l c 188

§ 6 [universaliter] gl; uno pretio, ⟨emptio⟩ *ins*; *rell genuin* Seckel-Levy l c 180 n 5. 189 et n 1

§ 7 [verissimum — videtur] ⟨— ? —⟩ Schulz Krit Viert 50 (1912) 86 et n 125

Sed [et]; [verissimum est] ⟨?⟩; [in semel] gl; *rell genuin* Seckel-Levy l c 190 sq. 201

37 fundum ⟨, qui defuncto donatus erat,⟩; [vendidisset] ⟨vendiderit⟩; [mox — *fin*] ⟨nulla est venditio⟩ Beseler Tijdschrift 8 (1928) 291

38 [totiens — ceteros] Partsch SZ 42 (1921) 264

'hoc inter ceteros' *genuin* (ca Partsch l c) Cugia nullità 36

39 § 1 decem ⟨pro decem⟩ pondo; [quod natum esset] Scialoja Dig Mil

40 pr [vendidit] ⟨mancipio dedit⟩ Bremer iurispr antehadr 1, 313

§ 1 'id actum esse' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1

[et ideo — *fin*] Beseler SZ 45 (1925) 466

[tradere] ⟨mancipare⟩ Lenel Alfen 62 Ch Appleton NRH 40 (1916) 24 n 1

§ 2 § 2 *genuin* Haymann SZ 41 (1919) 101 n Ch Appleton RH 6 (1927) 224 n 4

§ 3 [manu] gl Bes 3, 13

[maxime — verba] Bes l c Kr Suppl

[quid est actum]; [$\overline{pp}$ ceterum — esse actum] Guarneri Citati l c

non esse [actum] ⟨satum⟩ *emendant* Mommsen Dig Bes l c Ch Appleton NRH 40 (1916) 45

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41 pr ʻquid — actum estʼ *genuin* Guarneri Citati Bull 33 (1923) 219 n 1

§ 1 § 1 *genuin*; ⟨—⟩ Lenel Arch z Pr 123 (1925) 182. 184. 186

42 [saltem criminosos] (?) Seckel s v saltem gl (?) Kalb JL 81 n 5

43 § 2 insidiose [obscure] gl Dig Mil

45 [45] Haymann Haftg 126 sqq. 131 sqq Kr Nov Suppl Lenel Arch z Pr 123 (1925) 182 sqq cf Stella Maranca Bull 35 (1927) 11 n
[ita] ⟨nihil⟩; [quod — emerit]; [*pp* quam sententiam — vendidisset]; [ignorans — *fin*] Partsch SZ 33 (1912) 612 sq
[quam sententiam — contingit] Fr Mommsen Beitr 3, 412; cf 1, 203 sq ca Pernice Labeo 2, 2, 1², 246 sq
[*pp* quam sententiam — *fin*] Ferrini obbl 690
[vas] Mommsen Dig Pernice l c 247 n Scialoja lez negozi giuridici (1892/93) 525 sq Dig Mil

46 [sed hoc — *fin*] Faber rat adhl (3, 3, 257); ad D 12, 1, 33 (3, 1, 64) Wissenbach embl 42 Eisele SZ 11 (1890) 19 VJR (?) 1, 860, 29; 3, 1, 53, 46. 195, 13. 197, 52; 4, 1, 144, 26 Kr Solazzi Min età 42 Levy SZ 37 (1916) 73 n 10

49 [et quamquam — sequuntur] Bes 3, 36 Kr (?) Suppl
[dum — sequuntur] Scialoja Dig Mil

50 [*pp* 50] Vassalli Bull 27 (1914) 195 n i f
[*pp* non esse — possit] Pernice SZ 9 (1888) 257 n 1 Bremer iurispr antehadr 2, 1, 582 De Francisci Synall 1, 279 Seckel-Levy SZ 47 (1927) 255 n 6
[non esse — possit] Bes 2, 160 Riccobono SZ 35 (1914) 220 n 3
[etiam] Bes l c Seckel-Levy l c 255

53 [an eo — *fin*] Pringsheim SZ 35 (1914) 328; Kauf 71 Mitteis SZ 37 (1916) 371 Albertario Rend Lomb 58 (1925) 259 n 1 ca Boyer recherches 80. 93 n 72

55 [*pp* 55] Berger RE 17, 1096 s v imaginarius Partsch SZ 42 (1921) 262 sq Beseler SZ 45 (1925) 466

57 pr — § 3 [hac quaestione — *fin*] Faber coni 12, 17; rat adhl Schifordeger 2, 227 sq Noodt de forma emend dol mal c 11 (ca Vangerow Pand ⁷ 3, 263) Eisele SZ 7 (1886) 30; SZ 11 (1890) 3 n 1 Gradenwitz Itpp 46 sqq. 93 Lenel 1116 (*inde a verbis* ʻut, si quidemʼ) HKrüger SZ 11 (1890) 190 Riccobono Bull 6 (1893) 130 n 4 Ferrini Pand ³ 212 n 1. 572

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57 pr—§ 3 n 1; cf obbl 681 sq Bonfante Ist ⁸ 467 n 1. 110 n 3; storia ³ 2, 158 De Medio Bull 16 (1904) 68 sqq Bertolini app did 1, 452 n 2 Litten Mél Fitting 2, 612 n 1 Kr Geppert Jher Jb 67 (1917) 215 sq Haymann SZ 41 (1920) 98 Partsch SZ 42 (1921) 265 Albertario in Rotondi Scr giur 3, 471 n 5; Riv dir comm 20, 1 (1922) 682 n 3
[sin vero vel dimidia — *fin*] Bechmann Kauf 3, 2, 227. 232

pr [*pp* pr] VJR 1, 487, 4. 765, 33. 839, 40; 3, 1, 55, 6. 206, 22; 5, 2, 558, 26. 618, 14 De Francisci Synall 1, 300 n Seckel-Levy SZ 47 (1927) 154 n 2. 3
[sed] si Albertario Riv dir comm l c
[sed si — *fin*] Haymann Haftg 41. 67 cf Partsch SZ 33 (1912) 610
[ut, si quidem — *fin*] Bremer iurispr antehadr 2, 2, 294
[sin vero — habita] (?) Dernburg Pand ⁷ 2, 256 n 15
[pr i f] Seckel s v invenire c Levy SZ 37 (1916) 42 n 3

§ 1 [§ 1] De Francisci l c Haymann l c 18 n 3. 67 cf Partsch l c Beseler SZ 45 (1925) 466
[*pp* § 1] (?) VJR 4, 1, 312, 53. 315, 50; 5, 2, 557, 37

§ 2 [§ 2] Pringsheim SZ 41 (1920) 252 n 2 Beseler l c
[Simili —] (?) VJR 5, 2, 547, 24

§ 3 [*pp* § 3] VJR 1, 600, 51. 862, 47 Arangio-Ruiz form con demonstr 39 n 3 (Stud Cagliari 4, 2 (1912) 111 n 3)
[Quod si] Guarneri Citati obbl indivis 1, 38 n 3
[dolo inter — *fin*] Biondi compensazione 248. 250 sq
[dolo inter — compensando] Pernice Labeo ² 2, 1, 89 n 2 Perozzi Ist ¹ 2, 130 n 2 Naber Mnem 21 (1893) 46 Biondi iud b f 217 n 2
[et iudicio — *fin*] Gradenwitz Itpp 109
[dolo ex — veniente] Seckel s v venire d) Rotondi Scr giur 2, 404 n 3 Albertario form Fab 33 n 1

58 [quoque] Faber rat adhl Schifordeger 2, 227 sq De Medio Bull 16 (1904) 69 Kr Konstantinovitch periculum 215
[sive sciente — *fin*] Haymann Haftg 41. 67 n 1. 128 sq. 152; SZ 38 (1917) 235 n; 40 (1919) 289 n 2; 41 (1920) 98
[sive autem — *fin*] Faber l c Schifordeger l c Gradenwitz Itpp 93. 232 Lenel 172 Eisele SZ 11 (1890) 19

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58 Ferrini obbl 682. 693 VJR (?) 1, 285, 37. 640, 42; 3, 1, 235, 9; 5, 2, 576, 53 Bonfante Ist [8] 467 n 1 De Medio l c Bertolini app did 1, 452 n 2 Kr Albertario in Rotondi Scr giur 3, 471 n 5 Schulz SZ 43 (1922) 246 n Konstantinovitch l c
[haec optinent — *fin*] Eckhard Hermeneutica: De interpolationibus legum § 250 cf Biondi tribonianismi 15

61 [61] Beseler Tijdschrift 8 (1928) 291
[pp 61] Rabel Grundz 471 n 5
[emere — *fin*] ⟨stipulari⟩ Di Marzo Bull 15 (1903) 111 Vassalli Bull 27 (1914) 212 Schulz SZ 38 (1917) 189 sq
[quia — *fin*] Kr Suppl

62 pr pr *genuin* Haymann SZ 40 (1919) 267

§ 1 [pp § 1] Ferrini Pand [3] 572 n Bonfante Ist[8] 467 n 3; traduz Windscheid 5, 268 De Medio Bull 16 (1904) 70 Bertolini app did 1, 451 n Girard (?) manuel[5] 445 n 1 *genuin* Haymann l c
[vel publica pro privatis]; [licet — tamen] ⟨de dolo actione⟩ Heldrich Verschulden 20 Kunkel (?) SZ 46 (1926) 436 Albertario Arch giur 96 (1926) 110. 111
[licet — experietur] ⟨—⟩ Beseler SZ 43 (1922) 542
[ex empto] *exspectes* 'in factum' Kr Suppl cf De Medio l c

§ 2 [§ 2] Arnò Stud Scialoja 1, 352 Beseler Tijdschrift 8 (1928) 291 ca Haymann SZ 40 (1919) 267 n 1
[pp § 2] Haymann SZ 40 (1919) 267; 41 (1920) 120. 154 cf Seckel-Levy SZ 47 (1927) 198 n 1 *genuin* Boyer recherches 133 n 43 Ch Appleton RH 6 (1927) 208 sq

63 pr [pp pr] Haymann SZ 41 (1920) 79 n 3
[vendidisset] ⟨vendidit⟩; [venditio non valet] ⟨res non est in bonis emtoris⟩ Bes 4, 131
[idem — est] Solazzi Riv It sc giur 50 (1911) 248; Min età 293 n 1 Kr Suppl
[cum perfici] Bes 3, 62
[cum perfici — *fin*] Bes 4, 131
[— perfici —] Seckel-Levy SZ 47 (1927) 154 n 2

§ 1 [fines] ⟨adfines⟩ Huschke sec Kr Dig Hofmann sec Dig Mil

64 [in partem an in totum] Pringsheim Kauf 152 n 4
[venditio] ⟨mancipatio⟩; [emptionem] ⟨dominium⟩ Riccobono Bull 31 (1921) 32 n 1 est⟨o⟩; [personam — ideoque] Beseler SZ 45 (1925) 466

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66 pr [dicantur] ⟨nuncupentur⟩ (?) Huschke Nex 183 n 272

§ 1 [statutum tempus] ⟨biennium⟩ Cuiac Comment adhl Kr

§ 2 [qui scripsit] Scialoja Dig Mil

67 [dominium] ⟨rem⟩ Albertario form Fab 41 n 1
[dominium] ⟨fundum *aut* praedium⟩; [ea res] ⟨fundus *aut* praedium⟩; [ita] De Francisci translatio 26 sq; trasferimento 150 n 3. 170 sq
[praeterquam — *fin*] Faber rat adhl Lenel (?) 323 Eisele (?) SZ 10 (1889) 307 VJR (?) 1, 945, 26; 4, 1, 202, 38 Longo Bull 15 (1903) 305 Seckel s v praeterquam Kr Fadda lez neg giur (1908/09) 76 De Francisci trasferimento 7. 169

68 pr [non solum]; [sed etiam diligentiam] Kunkel SZ 45 (1925) 292 Arangio-Ruiz responsabilità contratt 186 n 2. cf 106 n 1
[id est — *fin*] Schifordeger 2, 207 sq Eisele SZ 7 (1886) 18 n 1; 11 (1890) 7 Pernice Labeo 2, 2, 1, 235 n 5 Litten Mél Fitting 2, 610 n 1 Seckel s v diligentia Haymann SZ 40 (1919) 270 gl Kr Kunkel l c ca Kübler Festg Gierke 2, 245 n 1
[id est — *fin*] gl ⟨— ? —⟩ Arangio-Ruiz l c 186 et n 2

§ 1 [fere aliqui solent] ⟨et solent quidam⟩ Arangio-Ruiz l c 186 n 2
[qui etiam — *fin*] Heldrich Verschulden 5 cf Kunkel SZ 46 (1926) 434 ca Arangio-Ruiz l c

§ 2 [non] (?); [cum — *fin*] (?) Pernice Labeo 2, 1², 179 n 1 VJR 1, 1124, 37 Kr Bes 3, 62 Heldrich Verschulden 6 Seckel-Levy SZ 47 (1927) 228 n 3
[cum — poterit, ne] ⟨— ? —⟩ Haymann SZ 40 (1919) 270 sq. cf 182 n 5 i f
[cum — possit] Rabel Haftg 91 n 1; Mél Girard 2, 397 n 2
[dolus — *fin*] Guarneri Citati obbl indivis 1, 43 sq
§ 2 *genuin* Arangio-Ruiz l c 186

70 [70] Haymann Haftg 163 sq

71 [contrahentium] ⟨vendentium⟩ Bes 2, 70 ca Brasiello Arch giur 98 (1927) 245 n 1

72 pr [quoniam — ex pretio] Perozzi obbl 11 n ex pretio ⟨—⟩ (?) Rotondi Scr giur 2, 260 detrahunt ⟨vel adiciunt⟩; [quae vero — inesse]; [sed — venditore]; [quoniam — ex pretio] ⟨— ? —⟩ Biondi iud b f 31 sqq. 31 n 2 et 3

D de contrahenda emptione 18, 1

72 pr [quae postea — aliquid]; [contractui]; [quae vero — inesse]; [sed — ex pretio]; [omnibus — manentibus]; [vel deminuendo] Siber SZ 42 (1921) 86. 89. 92. cf 81 Guarneri Citati Ann Messina 1 (1927) 62 n 7
[quae postea — aliquid]; [contractui]; [quae vero — sunt emptionis]; [sed — venditore]; [quoniam — ex pretio]; [recessum — et] Stoll SZ 44 (1924) 66
[recessum — et] Bes (?) 3, 145 De Francisci Synall 2, 421 Guarneri Citati l c 61 n 1

§ 1 [nec — *fin*] Biondi l c

73 pr [et ideo — *fin*] gl (?) Beseler SZ 45 (1925) 466

§ 1 [hortis — culturis] Beseler l c

75 [complendum] Seckel-Levy SZ 47 (1927) 154 n 3

76 § 1 [longae — praescriptione] ⟨usucapione⟩ Puchta-Krüger Inst 2 § 239 n p ca Partsch l t praescr 18 n 5
[tempora — *fin*] (?) Seckel s v implere 2. statuere 2. cf s v praescribere 1 d

77 'quid actum sit' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1

78 pr [licet — *fin*] Bes 4, 131

§ 1 [postea]; ingrediaris [possessionem] Beseler Tijdschrift 8 (1928) 291

§ 2 [quoniam — *fin*] Beseler SZ 47 (1927) 367

§ 3 [$\overline{pp}$ § 3] Seckel-Levy SZ 47 (1927) 126 n 2
[si immoderatae — tempestatis] Bes 4, 131

79 [eoque — *fin*] Scialoja lez compravendita (1906/07) 133 n 1 Hoeniger (?) gem Vertr 345

80 § 3 cf De Francisci Synall 2, 359. 446

81 pr [$\overline{pp}$ pr] Albertario Riv It sc giur 49 (1911) 63
[aureos] Kr
[sive hypothecae] Fehr Pfandr 59 Ebrard form hypoth 47 Kr Suppl ca Manigk RE 9, 372 sq s v hypotheca V 4
[pignori sive hypothecae] Albertario l c
[quod si — obligaverat] (?) Fehr l c ca Ebrard l c
[quod si] Guarneri Citati obbl indivis 1, 38 n 3
[obligationem] ⟨fiduciam⟩ (?) Rabel SZ 28 (1907) 363 n 1

D de in diem addictione 18, 2

1 [si] Beseler SZ 43 (1922) 434
[quo — *fin*] Eisele SZ 30 (1909) 121 sqq Senn (?) NRH 37 (1913) 296 n Beseler l c

D de in diem addictione 18, 2

2 pr [$\overline{pp}$ pr] Rabel (?) Grundz 503 Rotondi Scr giur 3, 476 n 1 Haymann (?) SZ 41 (1920) 79 sq n 3 Müller fr 50 D de iure fisci 49, 14 p 4 n 17
[utrum — magis emptio]; [et mihi — interesse]; [nam — *fin*] Bes 1, 85; 2, 57 ca Ch Appleton RH 5 (1926) 400 n 1
[utrum — quaestionis est]; [interesse — *fin*] Longo Bull 31 (1921) 44 sq; cf SZ 46 (1926) 467
[interesse — *fin*] Albertario Rend Lomb 58 (1925) 257
[— quid actum sit — hoc actum est (*bis*) —] Guarneri Citati Bull 33 (1923) 220 n
[nam — *fin*] Solazzi Bull 23 (1911) 180
[— perficiatur —] Seckel-Levy SZ 47 (1927) 152 n 2. 4

§ 1 [$\overline{pp}$ § 1] Rabel Grundz 503; SZ 42 (1921) 553 sq
[Ubi — venditio est] ⟨et⟩ Julianus scribit ⟨puram emptionem esse, sed sub condicione resolvi et⟩ hunc (?) Bes 1, 85; 3, 149
[Ubi — venditio est]; [et accessiones]; [si — *fin*] Beseler Tijdschrift 8 (1928) 291
[Ubi — venditio est] Longo Bull 31 (1921) 44 sq; cf SZ 46 (1926) 467
[secundum quod distinximus] Solazzi Bull 23 (1911) 181 Albertario Stud Pavia 5 (1919) 88 n 2 cf Pringsheim Festschr Lenel 235

4 pr [Ubi — est] ⟨quae⟩ negat Pomponius ⟨et ait eum, cui res in diem addicta est, sub condicione magis contraxisse nec⟩ usucapere (?); pertinere. ⟨sed mihi videtur verius quod ait Julianus.⟩ (?) Bes 1, 85; 2, 57
[Ubi — est] Longo Bull 31 (1921) 44 sq; cf SZ 46 (1926) 467 cf Seckel-Levy SZ 47 (1927) 170 n 7

§ 2 [an — hic] ⟨posse⟩ Beseler SZ 45 (1925) 466
[et ad — *fin*] Longo Bull 14 (1901) 274 n Kr Beseler l c

§ 3 [pure vendito et] Bes 1, 87
⟨non⟩ desinere Beseler SZ 43 (1922) 437
[ex quo — *fin*] Bes 1, 87. 53; 2, 54 Kr
[dominus] (?) Stintzing Krit Viert 48 (1909) 367

§ 4 [sed — *fin*] Bes (?) 3, 150. 185; Beseler SZ 43 (1922) 435
[et ideo — *fin*] (?) Beseler SZ 45 (1925) 466
[$\overline{pp}$ § 4] ⟨Idem Iulianus — scribit eum, cui fundus in diem addictus et traditus

D de in diem addictione 18, 2

4 § 4 est, interdicto quod vi aut clam uti posse, quamvis post opus factum melior condicio allata sit. nam hoc interdictum ei competere, cuius interest opus factum non esse. fundo autem in diem addicto et tradito et meliore condicione allata priorem emptorem venditori perinde custodiae nomine teneri, ac si melior condicio statim post traditionem allata esset. nam eius, cui fundus in diem addictus et traditus est, eandem causam esse atque eius, qui sub condicione vendidit. quem post condicionem existentem perinde custodiae nomine emptori teneri, ac si res pure venisset, Proculum et Octavenum putasse. eamque sententiam veram esse, quamvis Sabini et Cassii diversa sit opinio.⟩ Beseler Tijdschrift 8 (1928) 291 sq

§ 5 [Cum igitur — sit allata] Bes 1, 85; 3, 145 Senn (?) NRH 37 (1913) 306 n 1 Longo Bull 31 (1921) 45 Beseler Tijdschrift 8 (1928) 292
[— impleatur —] Seckel-Levy SZ 47 (1927) 152 n 2. 4
[videtur] ⟨videatur⟩; [non existente — *fin*] Beseler Tijdschrift l c

6 pr [verum est] ⟨constat⟩; [vel falsus exsistit]; [fructus — venditori] ⟨verum est secundum eorum opinionem, qui fundo in diem addicto venditionem pure factam sub condicione resolvi existimant. (?)⟩; scripsit. ⟨Pomponius — (?)⟩ Bes 3, 149
[Item — venditori] ⟨— ? —⟩; scripsit. ⟨Pomponius — (?)⟩ Beseler SZ 43 (1922) 435

§ 1 [intererit — sit] ⟨erit tamen utilius dicere fructus penes emptorem remanere, perinde ac si melior condicio allata non esset (?)⟩ Bes 1, 86
Si quis ⟨Pomponii sententiam sequetur, cum⟩ extiterit; [et penes — remanserit] Bes 3, 149
[extiterit, qui]; [et penes — remanserit]; ⟨ait⟩ dubitari [poterit] ⟨posse⟩; [quod ratio — *fin*] ⟨— ? —⟩ Beseler SZ 43 (1922) 435
[quid acti sit] Guarneri Citati Bull 33 (1923) 220 n

9 [quid — *fin*] Bes (?) 1, 86 sq Kr cf VJR 2, 2, 493, 6

10 [pignus] ⟨fiduciam⟩; [addictum] ⟨addictam⟩ Lenel SZ 3 (1882) 118; Jul 214; EP^3 291 n 5 (§ 107) Oertmann fiduc 27. 222 Kr Rotondi Scr giur 2, 146 Biondi iud b f 239

D de in diem addictione 18, 2

11 pr [$\overline{pp}$ Iulianus — *fin*] Bes 2, 9. 70
'quid ... actum sit' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1
[pr] $\overline{pp}$ π $\overline{pp}$ *T* ⟨Sabinus ait, si fundus in diem addictus alii aucto pretio in diem addictus sit, non videri meliorem condicionem allatam, quia secunda quoque venditio sub condicione contracta sit. sed Iulianus — scribit meliorem condicionem allatam videri, quia venditio pura sit et sub condicione resolvatur. huius sententiae ratio ab imperatore Severo improbata est. videtur tamen ideo verum non esse quod Sabinus scribit, quia secunda in diem addictione facta certum esse coepit fundum aucto pretio a venditore abiturum.⟩ Beseler Tijdschrift 8 (1928) 292

14 § 1 [verum est]; [ex vendito] ⟨de dolo malo⟩; [per quam — venditor]; et ita ⟨et⟩ Beseler Tijdschrift l c

§ 3 [consentiente venditore]; [idem — alieno] gl; atque si ⟨venditor⟩ Siber nat obl 41

15 pr [sive post — non exsistat]; [quae domino placeat] (?); [quod si — *fin*] Senn NRH 37 (1913) 304. 304 sq n 2

§ 1 [si minoris sint] Scialoja Dig Mil
si minoris sint ⟨non valet⟩ Mommsen Dig Ch Appleton NRH 40 (1916) 46

16 [vel — solvi] Riccobono Ann Pal 3/4 (1917) 348 n 3 Biondi iud b f 143 sq Kr Nov Suppl
[et credo — *fin*] Pernice Labeo 2, 1^2, 184 n 3 Riccobono l c Biondi l c Kr l c

19 [pretium] ⟨pretio⟩; eum ⟨et⟩; [et id — fecit]; [si venditor — caret]; [bona fide] Bes 1, 49
[venditori] ⟨venditioni⟩ *emendant* Lenel 149 Bes l c Senn NRH 37 (1913) 291 n 1
[id enim — *fin*] gl Senn l c

20 [citra — interpositam] Bes 2, 39

D de lege commissoria 18, 3

2 [caveretur] ⟨cautum esse videtur⟩; [nam — *fin*] Beseler Tijdschrift 8 (1928) 293

4 pr [hoc est — fieret] T *aut* gl Eisele SZ 11 (1890) 7 gl Kr VJR 4, 1, 147, 41 ca Landucci Att Ven 75, 2 (1915/16) 140 n 20 (152)
Longo Bull 31 (1921) 46 sq; cf SZ 46 (1926) 467
[et quidem — quaestio est] Beseler SZ 43 (1922) 436
[et quidem — *fin*] Stoll SZ 47 (1927) 523

D de lege commissoria 18, 3

4 **§ 1** [§ 1] Beseler SZ 43 (1922) 436
[Sed — rationem, ut] (?) PKrüger Festschr Bekker 18
[interdum] (?) Kr Suppl
[igitur — *fin*] Faber error 25, 5 Eisele l c 19 Pernice Labeo 2, 1[2], 188 n 1 HKrüger SZ 19 (1898) 29 PKrüger Festschr Bekker 18 n 5 Kr VJR (?) 3, 1, 53, 31. 278, 25; 5, 2, 346, 42. 349, 33 Bes 3, 106
[— aliquam partem pretii —] Albertario Ann Perug 31 (1919) 16 n (estr a^0 de universitate)

§ 2 [$\overline{pp}$ § 2] (?); [statim atque] (?) Beseler SZ 43 (1922) 545

§ 3 [erit — *fin*] (?) Beseler l c 436 n 3

5 [agi] ⟨actum⟩; [quoque]; [quia — *fin*] (?) Beseler SZ 43 (1922) 436
[hoc agi] Guarneri Citati Bull 33 (1923) 220 n

6 **§ 2** [reliquae pecuniae] gl (?) Lenel 237

8 cf Bonfante Ist[8] 471 n

D de hereditate vel actione vendita 18, 4

1 [$\overline{pp}$ eius — nullus sit] (?) Vassalli misc crit 1, 18

2 **§ 1** 'quod actum est'; 'hoc agi' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1

§ 2 [empto] ⟨stipulatu⟩ Lenel 2962 Seckel s v stipulari (556 b) Kr
[§ 2]; [licet — alia hereditas est] gl (?) Vassalli l c 22 et n 3
[et magis — *fin*] Kr Suppl
[si hoc actum sit] Guarneri Citati l c 220 n

§ 3 [sed et rerum — *fin*] Pringsheim SZ 42 (1921) 645 n 8

§ 5 [$\overline{pp}$ § 5] Paris responsabilité 250 sqq
[$\overline{pp}$ fecisse autem — adipisci] Schulz SZ 43 (1922) 246 n cf Arangio-Ruiz responsabilità contratt 184 n 1
[sed et si non — tenebitur] De Medio Bull 18 (1906) 286; Stud Fadda 2, 239 sq Kr Lenel SZ 38 (1917) 277 Haymann SZ 40 (1919) 268 Paris l c Arangio-Ruiz l c 184 ca Binding Normen 2, 2[2], 737 n 58

§ 7 [nam — debitum praestiterit] gl (?) Scialoja Dig Mil

§ 9 § 9 *genuin* Haymann SZ 40 (1919) 326 n 1

§ 11 [sive alius quis pro eo] Solazzi Rend Lomb 57 (1924) 308 sq
[vendito] ⟨stipulatu⟩ Lenel 2965

§ 13 [vendito] ⟨stipulatu⟩ Lenel 2966 Kr

D de hereditate vel actione vendita 18, 4

2 **§ 14** 'quid acti sit' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1
[alterius] ⟨ulterioris⟩ Bes 4, 132

§ 15 [vendito] ⟨stipulatu⟩ Lenel 2966 Kr

3 [et culpa] De Medio Bull 18 (1906) 287 n 1; Stud Fadda 2, 240 n 1 Haymann SZ 40 (1919) 268 sq Kr (?) Nov Suppl Arangio-Ruiz responsabilità contratt 184

4 [nisi — *fin*] Eisele (?) SZ 10 (1889) 308 De Medio (?) Bull 16 (1904) 50 n 1 Seckel (?) s v nisi (368) Kr VJR (?) 4, 1, 144, 44

5 [nisi — actum sit] Eisele l c De Medio (?) l c Seckel (?) l c Kr VJR (?) 4, 1, 147, 48

6 quaedam excidisse putat Eisele SZ 27 (1906) 62 n 2

7 [nec enim — *fin*] Vassalli misc crit 1, 44 sq Heldrich Verschulden 18

8—9 [ut — consequatur] Bonfante Ist[8] 467 n 1 Bertolini app did 1, 452 n 2
[et si — impensum est] (?) Rabel Festg Bekker 200 n 3; Grundz 472 n 2
[Quod]; [quantum] emptori praestare debuit ⟨quod eius interfuit⟩ *aut* quantum (quanti?) ⟨eius interfuit,⟩ emptori praestare debuit (?); [ita distingui — *fin*] Vassalli misc crit 1, 46 sqq
[Quod]; [quantum] emptori praestare debuit ⟨quod eius interfuit⟩; [ita distingui — *fin*] Heldrich Verschulden 18

10 [10] Vassalli l c 48 sq

11 [11] Vassalli l c 49. 53 Rabel Grundz 464 n 2 Pringsheim SZ 44 (1924) 431 n

12 [$\overline{pp}$ 12] De Medio Bull 16 (1904) 49 sq
[12] Kr Suppl
[nam — *fin*] Vassalli l c 55 n 1

13 [Quod]; [si sit hereditas] (?); [et si — tunc]; [illo — *fin*] Vassalli l c 43 sqq

14 § 1 [tradere] ⟨mancipare⟩ (?) Drechsler a^0 utilis d Zessionars 18 n 3
quaedam excidisse putat Riccobono SZ 34 (1913) 187 n 4

18 [experietur]; *cetera genuin* Rechnitz Iulian 50

21 [$\overline{pp}$ 21] Buckland NRH 41 (1917) 27 Genzmer SZ 44 (1924) 153 n 1 Vážný Ann Pal 12 (1926) 147 n 1 Seckel-Levy SZ 47 (1927) 261 cf Rabel SZ 42 (1921) 548 n 1
quaedam T^{um} delevisse putat Schulz SZ 27 (1906) 95 sq
[quod si] Guarneri Citati obbl indivis 1, 38 n 3

D de hereditate vel actione vendita 18, 4

21 [non enim — credi]; [quoniam — non feci]; [tibi enim — non actionem] Bes 3, 116 sq Kr Suppl
'quoniam — non feci' *genuin;* [pretium enim — percipitur] gl; [tibi enim — non actionem] gl Seckel-Levy l c 261 sq. 261 n 3 et 4
'hoc agi' *genuin* Guarneri Citati Bull 33 (1923) 219 n 1
[quemadmodum — argueretur] Bes l c; SZ 43 (1922) 430 Kr Suppl
[quamvis — possit] ⟨quasi neglexisset alienum, quamvis si neglexisset ut suum nihil ei imputari posset (?)⟩ Eisele SZ 10 (1889) 308
neglexisset ⟨fundum emptor, quod eum neglexisset (?)⟩ ut alienum Pernice Labeo 2, 2, 1, 236 n 1
[nisi — argueretur] Eisele l c Pernice l c Seckel s v nisi (368) De Medio Stud Fadda 2, 240 n 1 Kr
[— nihil ... nisi —] (?) VJR 4, 1, 124, 42
[utrum — an rem]; [non enim — sed rem] Bes 3, 185
[propter] ⟨per⟩; [nam si sine — *fin*] Bes l c Kr Suppl
'et si — pertinebit' *sententia genuin;* deiectus ⟨sponsionis summam⟩ Seckel-Levy l c 251 n 4 et 5
[nam si sine — suas] ⟨vindicationem et condictionem tamen⟩; [debebit] ⟨debebo⟩; [non rem]; [debet] ⟨debeo⟩ Schulz SZ 32 (1911) 73 sq
[nam si sine — quoque] Vážný l c 141. 147
'Venditor — debeat' *genuin;* [nam bis utique — tunc rem debebit.] si [ergo]; [$\overline{pp}$ non enim deberet — credi] (?); [pretium enim — percipitur]; [tibi enim — non actionem]; [imputare possit] ⟨nisi dolus imputari posset (?)⟩; [nisi — argueretur]; [utique rem — praestare debeo:]; [nam si sine — *fin*] Haymann SZ 40 (1919) 322 sqq. 272 sq. 296 n 2; 41 (1920) 51 sq n 3; Jher Jb 77 (1927) 287
[$\overline{pp}$ 21] ⟨Venditor hereditatis interposita stipulatione „quidquid ex hereditate ad se pervenerit, emptori se restituturum", rem hereditariam persecutus alii vendidit: quaeritur, quid ex stipulatu praestare debeat. puto rem eum debere, non pretium. si ergo hominem vendiderit et is decesserit, an nihil debeat? quod verius esse puto. nam et si eundem hominem tibi vendidero et necdum tra-

D de hereditate vel actione vendita 18, 4

21 dito eo alii quoque vendidero pretiumque mortuo eo accepero, videamus, ne nihil tibi debeam ex empto. nam et si rem, quam vendidi alio possidente, petiero et litis aestimationem accepero, aut si vi deiectus ⟨sponsionis summam⟩ (Seckel) vel per furti actionem duplum abstulero, nihil hoc ad emptorem pertinebit.⟩ Beseler Tijdschrift 8 (1928) 293

22 in quaestione quaedam excidisse suspicatur Lenel 238
cur [non] Kr Ch Appleton (?) NRH 40 (1916) 30

23 pr [debet] ⟨videtur⟩ Kr
[nisi — *fin*] Eisele SZ 27 (1906) 62 Kr VJR (?) 4, 1, 144, 27 Guarneri Citati Bull 33 (1923) 220 n

§ 1 [vel compensatione vel exactione] Biondi compensazione 135. 176

24 an ⟨alii⟩ legatario Faber sec Kr

25 'quid actum fuerit' *genuin* Guarneri Citati l c 219 n 1

D de rescindenda venditione et quando licet ab emptione discedere 18, 5

rubr [rubr] Stoll SZ 44 (1924) 24

1 debere, [ne] ⟨quia⟩ (?); [sicuti — pactus est]; [non est verum — *fin*] Siber SZ 42 (1921) 95 sqq
'debere, ne' *genuin* (ca Siber l c); [si cum — possit liberari] gl [et quaeratur — liberer] gl; [$\overline{pp}$ sicuti — pactionem]; [sed dicendum — *fin*] Stoll SZ 44 (1924) 16. 59 sqq
[quia pro — possit] Bes 2, 70 De Francisci Synall 2, 357 n 1
[et ideo — pactionem] (?) De Francisci l c
[sed dicendum — *fin*] Faber rat adhl Kr De Francisci l c Guarneri Citati obbl indivis 1, 136 n 3

2 [minorisve] Siber SZ 42 (1921) 92 G Segrè Riv dir civ 18 (1926) 456 n
[discessimus a priore emptione]; [(potest — emptio)] gl; [sed — *fin*] Stoll SZ 44 (1924) 21 sq. 52 sq n 4. 70 cf Levy Ehescheidung 22 n 8
[cum — *fin*] Bes 2, 86 Siber (?) l c 92 n 1 Guarneri Citati Ann Messina 1 (1927) 63

3 [$\overline{pp}$ 3] Beseler SZ 45 (1925) 191
[quia — videndum]; [puto]; [item] ⟨sed⟩; [oportet — *fin*] Siber SZ 42 (1921) 77 sq
[Emptio — ideoque]; [vel venditor — fuerit]; [an nuda — obligatio] (?); [quia — insunt]; [$\overline{pp}$ an autem — videndum];

D de rescindenda venditione 18, 5

3 [et puto — *fin*]; [$\overline{pp}$ 3] ⟨Si inter emtorem et venditorem convenerit, ut ab emtione discedatur, et emtor fideiussorem acceperit, Iulianus scripsit ex emto quidem agi non posse, fideiussori autem utilem esse exceptionem (?)⟩ Stoll SZ 44 (1924) 10. 36. 41 sqq. 49
⟨? .⟩ [ideoque quaesitum est] Beseler SZ 45 (1925) 466

4 [emptio] ⟨petitio⟩ (?) maneat Siber SZ 42 (1921) 95

5 pr [pr] Perozzi Ist [1] 2, 317 n 2 π Rechnitz Iulian 49. 59 *genuin* Rotondi Scr giur 2, 261 n 2 Haymann SZ 41 (1920) 57 sq
[$\overline{pp}$ pr] Rotondi Scr giur 1, 294 n 1
[vel emptori venditor] Rabel (?) SZ 42 (1921) 561 n 1 Stoll SZ 44 (1924) 62 sq. 16
[vel] ⟨et⟩ emptori Siber SZ 42 (1921) 73
acceptum [faciat — *fin*] ⟨facit, nihil agitur⟩ Beseler SZ 47 (1927) 358
[voluntas — discedatur et]; [habeatur] ⟨habetur⟩; peteret ⟨?⟩ (?) Stoll l c
[sed ut — *fin*] Riccobono SZ 35 (1914) 283 n 2 Kr Suppl Bes 4, 132 Siber (?) l c 73 n 5 Rabel (?) l c Stoll l c
[sed ut — appareat] ⟨: itaque⟩ acceptilatio Betti Bull 28 (1915) 46

§ 1 [$\overline{pp}$ § 1] Konstantinovitch periculum 143 sqq Stoll l c 22. 53. 63 Guarneri Citati Ann Messina 1 (1927) 62 n 7 *genuin* Rechnitz l c Ch Appleton RH 6 (1927) 198 sqq
[nuda] (?) Stoll l c 22 n 2
[si — *fin*] (?) Siber l c 98 n 1 Stoll l c 22

§ 2 [$\overline{pp}$ Mortuo — pereat] ⟨— ? —⟩; [quare — *fin*] Haymann SZ 41 (1920) 132 sqq Konstantinovitch periculum 143 sqq. 185 sq ca Rabel SZ 42 (1921) 544 sq Boyer recherches 137 et n 52 Ch Appleton l c
Mortuo autem homine ⟨, si per emptorem steterit, quo minus traderetur,⟩ perinde [habenda] est [venditio]; [utpote — *fin*] Beseler Tijdschrift 8 (1928) 293
[quare — *fin*] gl Seckel-Levy SZ 47 (1927) 230 n 2
[nisi — intervenerit] Eisele (?) SZ 10 (1889) 308 Seckel s v nisi (368) Kr (?) Riccobono SZ 34 (1913) 253 VJR (?) 4, 1, 145, 17 Rabel l c Rechnitz Iulian 63 Ch Appleton (?) l c 200

6 [aut — *fin*] Collinet NRH 34 (1910) 165 sqq De Francisci Synall 1, 285

D de rescindenda venditione 18, 5

6 Rabel (?) Grundz 503 n 1 Landucci Att Ven 75, 2 (1915/16) 138. 141. 143 Albertario Arch giur 89 (1923) 258 n 1 Stoll SZ 47 (1927) 523

7 § 1 [$\overline{pp}$ quamvis venditor — obligati sint] (?); [quod si — posteriore emptione]; [$\overline{pp}$ idem potest — *fin*] Stoll SZ 44 (1924) 63 sqq. 16
[ut scilicet — competant] Albertario Rend Lomb 46 (1913) 855 n 2
[sed nec — *fin*] De Francisci (?) Synall 2, 408 Bes 4, 59 Siber SZ 42 (1921) 97 Kr Nov Suppl G Segrè Riv dir civ 18 (1926) 456 n
[maxime si — *fin*] Donatuti Arch giur 86 (1921) 229; cf SZ 46 (1926) 460

8 *genuin* Seckel-Levy SZ 47 (1927) 154 n 2
[defuncto Seio]; ignoraret ⟨defunctum Seium⟩; [an — possit] ⟨qua actione teneretur⟩; [si — sed]; [praetoria] ⟨de peculio⟩ Beseler Tijdschrift 8 (1928) 293

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rubr [rubr] Haymann SZ 40 (1919) 316; 41 (1920) 118

1 nonnulla excidisse putat Bechmann Kauf 2, 537 n 1

pr [pr] Haymann SZ 41 (1920) 110 sqq
[$\overline{pp}$ pr] Ferrini Arch giur 53 (1894) 279 n 1
Si vinum ⟨amphorarium *vel simile*⟩ Levy SZ 47 (1927) 207. 209 sq ⟨per aversionem⟩ Beseler Tijdschrift 8 (1928) 294
[vel — sustinuerit] Rabel (?) SZ 42 (1921) 560 n 1 Konstantinovitch periculum 240 sqq Beseler l c gl Seckel-Levy SZ 47 (1927) 207 n 5
[quemadmodum — *fin*] Beseler l c
[quemadmodum — causa] Schulz Krit Viert 50 (1912) 75 sqq Kr Suppl Rabel l c 557 n 3. 560 n 1 Konstantinovitch l c Ch Appleton RH 6 (1927) 202 et n 2
[vel] vasis; [vel qua — causa] Seckel-Levy l c 207 et n 6
[sed si — degustatum] Konstantinovitch l c
[periculo] ⟨degustationi⟩ Schulz l c 75. 77 sq Kr Suppl ca Seckel-Levy l c 210 n 1
[quod si —] Guarneri Citati obbl indivis 1, 38 n 3 (39)
[non designavit — vinum] ⟨dies degustationi adiectus non erit, quandoque degustare emptor poterit, degustare debet. sed et si dies adiectus erit,

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1 pr emptor etiam ante diem degustare poterit, et quoad degustaverit, periculum acoris et mucoris ad venditorem pertinebit: dies enim degustationi praestitutus meliorem conditionem emptoris facit (cf fr 4 § 1 h t)⟩ Schulz l c 75. 78 sq ca Seckel-Levy l c 208 n 2
[degustetur] ⟨tradatur⟩ Lusignani respons 2, 58 sqq
degustetur ⟨vel tradatur⟩ (?) Seckel l c 210 n 3 ca Levy ibid
[videlicet — degustatum] Eisele (?) SZ 11 (1890) 19 sq Lusignani l c Schulz l c 75. 78 sq Kr Dig et Suppl Seckel-Levy l c 208 et n 3
[aut igitur — *fin*] ⟨—⟩ Schulz l c 75. 79 sq
[aut igitur — degustationem sustinebit] *aut* ⟨— ? —⟩ aut igitur Eisele SZ 10 (1889) 309
[aut igitur — degustationem sustinebit] Eisele SZ 11 (1890) 19 sq Kr (?) VJR (?) 4, 1, 224, 37 gl Haymann l c 112 Konstantinovitch l c Seckel-Levy l c 208 et n 4 Ch Appleton l c
[degustationem] ⟨traditionem⟩; sustinebit ⟨(fr 1 § 2 h t)⟩; [sed si nondum — *fin*] Lusignani l c
[$\overline{pp}$ sed si nondum — *fin*] Konstantinovitch l c
[degustata] ⟨tradita⟩ Lusignani l c
degustata ⟨—⟩ Seckel-Levy l c 208. 211
[nisi — *fin*] Eisele SZ 10 (1889) 309 Kr (?) VJR (?) 4, 1, 158, 29 Seckel-Levy l c 208 et n 6 Ch Appleton l c

§ 1 [§ 1] Haymann SZ 40 (1919) 347 n 4; 41 (1920) 111—114. 100 n 2 Arangio-Ruiz responsabilità contratt 168 n 3
[$\overline{pp}$ § 1] Ferrini Arch giur 53 (1894) 279 n 1
[Sed et] custodiam ⟨tamen⟩; [ad — mensurae] Beseler Tijdschrift 8 (1928) 294
[et custodiam] ⟨periculum et⟩ Lusignani respons 2, 57. 70 ca Schulz Krit Viert 50 (1912) 82
[custodiam] ⟨periculum⟩ Paris responsabilité 282 sqq Vážný Ann Pal 12 (1926) 158 sq
[ad — venditor] Levy SZ 47 (1927) 208 et n 7. 212
[priusquam — *fin*] Seckel-Levy SZ 47 (1927) 208 et n 9. 164 n 3. 181 n 3. 212 et n 2
[priusquam — venit] Schulz l c 75 sq. 81 Kr Suppl Beseler l c ca Vážný l c
[post — *fin*] Konstantinovitch periculum 240 sqq. 245

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1 § 1 factam ⟨, si per emptorem stat, quominus vinum tollat,⟩ Beseler l c
[et ante — *fin*] Seckel s v custodia 1 a β (118 a) Schulz l c Kr Suppl Paris l c Ch Appleton RH 6 (1927) 202 et n 2
⟨sed⟩ et ante; liberatur ⟨si per emptorem stat, quominus mensura fiat, aut⟩; [sed forte — *fin*] ⟨et per emptorem stat, quominus vinum tradatur⟩ Beseler l c

§ 2 totum locum in pr post verba 'degustationem sustinebit' transfert Lusignani respons 2, 65 sq
§ 2 *genuin* Schulz Krit Viert 50 (1912) 80 Haymann SZ 41 (1920) 111 sq Seckel-Levy SZ 47 (1927) 208 sq Ch Appleton RH 6 (1927) 202 et n 2
⟨Sane⟩ si dolium Levy l c 208 et n 7
[quod — est]; [summutetur] ⟨commutetur⟩ (sec Bynkershoek cf Kr); [quam — *fin*] ⟨quod verius est⟩ Beseler Tijdschrift 8 (1928) 294

§ 3—4 [$\overline{pp}$ § 3—4] ⟨Si per emptorem steterit, quominus ad diem vinum tolleret, licet venditori vel effundere vinum. et si per corbem mensuram fecerit, apparebit, quantum emptori perierit. si de die nihil convenerit, non ante venditori vinum effundere licebit, quam ad vindemiam doliorum opera futura sit necessaria⟩ Beseler Tijdschrift 8 (1928) 294

§ 3 [§ 3] Haymann SZ 41 (1920) 112 n 8. 100 n 2
[$\overline{pp}$ § 3] VJR (?) 1, 902, 6. 1131, 9; 4, 1, 146, 20. 247, 44; 5, 2, 561, 8 Jörs röm Priv R 128 n 2 Seckel-Levy SZ 47 (1927) 141
[effundere autem — *fin*] (?) Kr Bes 2, 116 Rabel Grundz 483
[effundere autem — potius] Perozzi Ist[1] 2, 347 n 7
[effundere autem — effunderetur] (?) Jörs l c
[si tamen — potius] Riccobono Riv dir civ 3 (1911) 53; Ann Pal 3/4 (1917) 353 n 1
[commodius — *fin*] Perozzi l c Riccobono Riv l c Kr Suppl
[id est — *fin*] Lusignani respons 2, 58. 71

§ 4 § 4 *genuin* Haymann SZ 40 (1919) 350; 41 (1920) 113 n
⟨(Sabinus) ait⟩ Si doliare Schulz Sab 65
[veteres — *fin*] gl (?) Haymann SZ 41 (1920) 103 Konstantinovitch periculum 228 cf Seckel-Levy SZ 47 (1927) 161

2 $\overline{pp}$ *genuin* Arangio-Ruiz responsabilità contratt 68 n 1. 79 sq

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2 **pr** $\overline{pp}$ *genuin* Seckel-Levy SZ 47 (1927) 141

§ 1 [§ 1] Haymann SZ 40 (1919) 207. 348; 41 (1920) 112 n 6 Albertario Rend Lomb 59 (1926) 424. 436
[$\overline{pp}$ § 1] Paris responsabilité 284 sq Vážný Ann Pal 12 (1926) 158
[Custodiam] Kr (?) Suppl ⟨Omne periculum⟩ Schulz Krit Viert 50 (1912) 86 sq
[Custodiam] ⟨Utrum⟩; [qualem] ⟨custodiam⟩ Arangio-Ruiz l c 80 sq. 86. 87. 168
[ante — diem] Lusignani respons 2, 82—97 ca De Medio Bull 20 (1908) 195 n 1
[qualem — *fin*] Kunkel SZ 45 (1925) 281
[qualem] ⟨an⟩; [utrum — dumtaxat] Seckel s v custodia 1 a β (118 a)
[qualem] ⟨utrum⟩; [utrum — dumtaxat] ⟨an custodiam dumtaxat, ut fatale damnum sit excusatum⟩ Schulz l c
[qualem]; [utrum — dumtaxat] Kr Suppl Seckel-Levy l c 192 n 4
[qualem]; [oporteat] ⟨oportet⟩; [utrum — *fin*] Beseler Tijdschrift 8 (1928) 294
[utrum — praestet] Arangio-Ruiz l c
[eam — debere] ⟨oportere, ita (?)⟩; [vel — magna] Seckel s v custodia 1a β (118 a); s v excusare 1 a; s v exhibere 7 (190 b)
[eam] ⟨et⟩; [ut fatale — *fin*] Lusignani l c De Medio l c 193 sqq
[eam — *fin*] Kr Suppl ⟨omne periculum venditorem praestare debere⟩ Schulz l c ⟨eum custodiam praestare debere⟩ Arangio-Ruiz l c

3 [3] Haymann SZ 40 (1919) 347 Konstantinovitch periculum 174 Paris responsabilité 201 sq. 286 sq
ʽCustodiam' *genuin* Jörs röm Priv R 124 n 2
[talem] Lusignani respons 2, 97. 116 Seckel s v custodia 1 a β (118 a) Schulz Krit Viert 50 (1912) 89 Kr Suppl Kunkel SZ 45 (1925) 280 sq Arangio-Ruiz responsabilità contratt 168 n 1
[praestarem (Flor)] *corr* ⟨praestare eam(?)⟩ Seckel l c
[ut — *fin*] Lusignani l c Seckel l c; s v exigere 4; s v diligens 1 Rotondi Scr giur 2, 92 n 3 Kr VJR (?) 5, 1, 139, 8 Schulz l c Loncao Ann Pal 5 (1917) 89 Kunkel l c Albertario Rend Lomb 59 (1926) 431 n 3 Vážný Ann Pal 12 (1926) 116 Jörs l c Arangio-Ruiz l c 167 sq. 168 n 1 et 2

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4 nonnulla excidisse putat Bechmann Kauf 2, 537 n 1

pr [$\overline{pp}$ pr] gl *aut* T Schulz Krit Viert 50 (1912) 82 sq π Seckel-Levy SZ 47 (1927) 213 et n 4
[utrum — *fin*] ⟨acoris et mucoris periculum emptoris erit⟩ Beseler Tijdschrift 8 (1928) 294
[acoris et mucoris] Lusignani respons 2, 73 sqq ca Schulz l c 83
[ut, si — *fin*] $\overline{pp}$ T $\overline{pp}$ gl (?) Haymann SZ 41 (1920) 109 n 3 Konstantinovitch periculum 234 sq
[ut, si — praeteriit] Eisele SZ 11 (1890) 20 Kr Suppl
[hoc — degustata] gl Eisele l c 7 sq Kr
[— quid actum sit —] Guarneri Citati Bull 33 (1923) 219 n (220)
[quia per — *fin*] gl Seckel-Levy l c 258 n 1

§ 1 [§ 1] Haymann SZ 40 (1919) 348 sqq; 41 (1920) 110. 112 n 6 Paris responsabilité 289 sq Beseler Tijdschrift 8 (1928) 294
multa excidisse putat Schulz Krit Viert 50 (1912) 78. 82 sqq
[Si aversione — apparet] Konstantinovitch periculum 237 sq. 239 *genuin* Seckel-Levy SZ 47 (1927) 193 et n 1
[custodia] ⟨dolus⟩; praestand[a]⟨us⟩ Vážný Ann Pal 12 (1926) 158 ca Levy l c
[neque acorem — sed] Lusignani respons 2, 73 sqq ca Schulz l c 84 sq
[omne] ⟨hoc⟩ Schulz l c Konstantinovitch l c
[difficile — *fin*] Lusignani l c 76 sq Kr Suppl cf Schulz l c 84
[difficile — pertinebit] Konstantinovitch l c
[difficile — degustet] T *aut* gl (?) ChAppleton RH 6 (1927) 200 cf Seckel-Levy l c 209 et n 7
quisquam ⟨doliare vinum⟩ (?) Seckel-Levy l c 209
[et quoad — *fin*] gl (?) Haymann SZ 41 (1920) 110 n 3
ʽdies enim — *fin*' in fr 1 pr h t transfert Schulz l c 78 sq. 84
⟨non⟩ praestitutus *scr* Ch Appleton l c 201 n 1

§ 2 [§ 2] Paris responsabilité 289 sq Beseler Tijdschrift 8 (1928) 294. 295
$\overline{pp}$ *genuin* Seckel-Levy SZ 47 (1927) 141. 192 n 4. 212 n 4. 254
[Vino autem — tollat vinum] Haymann SZ 40 (1919) 349 sq. 347 n 4
[et est verius — tollat vinum] Eisele SZ 11 (1890) 20 Lusignani respons 2,

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4 § 2 73. 77 Kr Guarneri Citati Ann Pal 11 (1923) 241 n 1 (242); Bull 33 (1923) 219 n 1 (220)
'certe — *fin*' *genuin* Haymann l c 349

5 [$\overline{pp}$ 5] Lusignani respons 2, 78—82 Schulz Krit Viert 50 (1912) 84 sq Konstantinovitch periculum 246 sq Ch Appleton (?) RH 6 (1927) 201 n 2. cf 224 n 4 Seckel-Levy SZ 47 (1927) 141. 191. 253
'Si per — praestari' *genuin* (?) Haymann SZ 40 (1919) 263 sq; 41 (1920) 115
[postea — praestari] ⟨licet venditori effundere vinum⟩ Beseler Tijdschrift 8 (1928) 294
[si verbi — *fin*] Eisele SZ 11 (1890) 21 Kr Vassalli Bull 27 (1914) 216 n 1 Guarneri Citati obbl indivis 1, 234 n 2 (235); Ann Pal 11 (1923) 167 n 1
[verbi gratia] Seckel-Levy l c 191
[si admensum — *fin*] Haymann SZ 41 (1920) 115 sq. 100 n 2
[si admensum est] gl Lenel (?) 1710 Lusignani l c Seckel-Levy l c 181 n 3. 191 n 5
admensum ⟨non⟩ *scr* Mommsen Dig Ch Appleton NRH 40 (1916) 46
[nisi — *fin*] VJR (?) 4, 1, 146, 10 Seckel-Levy l c 191 et n 6

6 [emerim]; [et mihi — quoque accipere] ⟨venierint⟩; [non venisse] ⟨, quia non venierint, peti non posse⟩; [nam — *fin*] Beseler Tijdschrift 8 (1928) 295

7 Paulum hoc loco ad actionem de modo agri spectasse putant Haymann Haftg 15. 18. 143 sq; SZ 41 (1920) 118 Schulz SZ 38 (1917) 121 Rabel SZ 42 (1921) 556
quod post [emptionem] ⟨mancipationem⟩; [vel perit — veluti] ⟨, item⟩; [qui — *fin*] ⟨in modum agri non cedunt⟩ Beseler Tijdschrift 8 (1928) 295

pr [$\overline{pp}$ pr] Haymann SZ 41 (1920) 118

§ 1 [Quod — at] Beseler SZ 45 (1925) 466
[nisi — ne cederet] Gradenwitz Itpp 205 Kr (?) VJR (?) 4, 1, 157, 51; 5, 2, 442, 13
[in modum — ut cederet] Gradenwitz l c Kr (?) Beseler l c
[cedendum, si] *corr* ⟨cedet, dum⟩ Dig Mil
[veluti — tangunt] (?) Gradenwitz l c
[cum — est] Gradenwitz l c Kr (?) VJR (?) 4, 1, 122, 28 ⟨in modum agri⟩ Beseler l c
[et ideo — *fin*] Beseler l c .

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8 pr [pr] Haymann SZ 41 (1920) 79—84. 85 n 1 (86). 88. 91. 93. 137. 151 Konstantinovitch periculum 196—205. 213 sq. 216 Boyer recherches 86 n 63. 126 sqq ca Seckel S Ber Berl 1923 p 149
[$\overline{pp}$ pr] Rabel Grundz 484 n 2; SZ 42 (1921) 551 sq Vassalli Riv It sc giur 56 (1915) 202; cf SZ 46 (1926) 464. 465 Suman saggi 27 sq Guarneri Citati obbl indivis 1, 38 n 3 (39) Jörs röm Priv R 159 n 2
[$\overline{pp}$ pr] π Seckel-Levy SZ 47 (1927) 154—176. 214
fere omnia genuin Ch Appleton RH 6 (1927) 218 – 223
[Necessario — perfecta est emptio] Beseler Tijdschrift 8 (1928) 295
[Necessario — nam] ⟨—⟩ Seckel-Levy l c 156 sq
[et si — perfecta est emptio] (?) Vassalli Bull 27 (1914) 216 n 1 ca Seckel-Levy l c 157 sq
[sit et pretium] T *aut* gl (?) Bechmann Kauf 3, 179
[sit et pretium — venit]; emptio ⟨— Seckel-Levy l c 155 n 2. 157 sqq. 163
[$\overline{pp}$ quod si sub — pro emptore] ⟨— ? —⟩ Bechmann Kauf 2, 1, 398 sq
[quod] si sub; [si quidem] ⟨et pendente condicione exstincta fuerit et postea⟩; [sicuti nec stipulatio] gl Seckel-Levy l c 163 sq
[quod] si sub; [quidem]; [sicuti nec stipulatio] Beseler l c
idem Pomponius libro nono ⟨. . .⟩ probat. ⟨Sabino vero placuit exstingui venditionem, quia nondum esset impleta venditio⟩ Seckel SZ 47 (1927) 170 et n 3
[idem — probat. quod] ⟨eadem ratione qua⟩; [constat] ⟨dicunt⟩; [quasi — praeteritum] gl ⟨Sabino vero placuit exstingui venditionem, quia tunc, cum condicio exstiterit, non res sit quae veneat. idem Pomponius libro nono ad Sabinum probat, et hoc iure utimur. itaque quod pretii solutum est repetetur.⟩ (Seckel-) Levy l c 164—171. 154 n 1. 164 n 3
[emptoris esse periculum] aiunt ⟨venditorem custodiae nomine perinde teneri, ac si res pure venisset: Sabinus et Cassius putant, si pendente condicione sine dolo malo venditoris res exstincta fuerit, neutrum teneri, si deterior facta fuerit, damnum emptoris esse⟩: idem Pomponius libro nono ⟨ad Sabinum⟩ probat ⟨eoque iure utimur.⟩; [quod] si

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8 pr pendente condicione emptor Beseler l c
[quod si pendente condicione emptor — praeteritum] Vassalli Bull 27 (1914) 216 sq. 243 Suman saggi 27 sq
[constat — praeteritum] Bohàček Ann Pal 11 (1923) 332—335; SZ 47 (1927) 424
[quasi — praeteritum] Arangio-Ruiz Ist[1] 2, 85 n 1; Ist[2] 80 n 1 Riccobono Stud Perozzi 360 Rabel SZ 46 (1926) 465 Beseler l c
[quod] ⟨item⟩ si pendente condicione res tradita; [et quod — repetetur] (Seckel-) Levy l c 171 sq
[quod] si pendente condicione res tradita; [pro — repetetur]; venditoris sunt ⟨, si defecerit condicio, quod pretii nomine solutum est, repetetur⟩ [sicuti stipulationes — *fin*] Beseler l c
[et fructus — venditoris sunt] Vassalli Bull l c ca Seckel-Levy l c 172 n 3
[sicuti stipulationes — peremuntur] gl Bes 2, 57 sq Vassalli l c Ch Appleton l c
[sicuti stipulationes — fuerit] gl Levy l c 172 *genuin* (?) Seckel l c 172 n 6 et 7
[si pendente condicione res exstincta — *fin*] Bohàček l l c c
[sane — *fin*] Vassalli Bull l c
sane si ⟨exsistente condicione⟩; [potest — *fin*] ⟨sit, utriusque scholae auctoribus placuit perfectam esse emptionem⟩ (?) Seckel-Levy l c 173—175

§ 1 [$\overline{pp}$ § 1] ⟨Si servus ita venierit ʻsive navis ex Asia venerit, sive non veneritʼ, Iulianus putat, nisi altera condicio exstiterit, non perfici venditionem, quamvis certum sit alteram condicionem exstituram.⟩ Beseler Tijdschrift 8 (1928) 295
[quoniam — *fin*] gl Seckel-Levy SZ 47 (1927) 154 n 1. 165 n 4

§ 2 [§ 2] π ⟨Si usum fructum mihi vendideris, heres meus de usu fructu in iure cedendo et re tradenda tecum agere non poterit. si tuum ius utendi fruendi vendideris mihi, cum herede tuo de re tradenda agere non potero.⟩ Beseler Tijdschrift 8 (1928) 295

9 [responsum est] ⟨ille libro — scribit⟩; admonuit ⟨venditor eo nomine tanti condemnari debebit,⟩ quanti emptoris [interfuerit — *fin*] ⟨interesit se admonitum esse⟩ Beseler Tijdschrift 8 (1928) 296
[sed si — *fin*] Haymann Haftg 68 n 1

10 [$\overline{pp}$ 10] ⟨— ? —⟩ Bes 2, 58
[condicionali] Beseler Tijdschrift 8 (1928) 296

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11 [$\overline{pp}$ 11] Haymann SZ 41 (1920) 118 Konstantinovitch periculum 252
Scaevolam ad actionem de modo agri spectasse putant Lenel SZ 3 (1882) 193 sq Haymann Haftg 15; SZ l c Rabel SZ 42 (1921) 556 Beseler Tijdschrift 8 (1928) 296
[aliove quo casu] (?) De Medio Bull 20 (1908) 196 n 1

12 (11) [12] Haymann SZ 40 (1919) 345 sq; 41 (1920) 119 Konstantinovitch periculum 253 Paris responsabilité 240 sq; [$\overline{pp}$ 12] Bremer iurispr antehadr 1, 200 Schulz Grünh Z 38 (1911) 39. 40 sq; Krit Viert 50 (1912) 59 sq Vážný Ann Pal 12 (1926) 148 sq Jörs röm Priv R 120 n 5. 125
[cum — non possit] Pernice Labeo 2, 2, 1, 234 n 1 Lusignani respons 2, 18 sqq Seckel s v custodia 1 a β (118 a) Kr Kunkel SZ 45 (1925) 281
[quia — *fin*] π Kunkel l c
[quia — ob rem] Bremer l c Pernice l c Lusignani l c Seckel l c Kr VJR (?) 4, 1, 81, 16
[quia] *del* Dig Mil
[quam ob rem — *fin*] Kübler Festg Gierke (1910) 2, 260 et n 2
⟨etiam⟩ si venditor; [debent] ⟨deberent⟩; praestare ⟨tamen eum custodiae nomine teneri. sed⟩ si ⟨casu maiore⟩ quid; [pertinebit] ⟨pertinere⟩ Seckel l c
ʻsi venditor — praestareʼ *genuin* Jörs l c 120 n 5
[si quid accidisset] Pernice l c Lusignani l c

13 (12) *genuin* Haymann SZ 41 (1920) 73 sq. 76 Seckel-Levy SZ 47 (1927) 244 sqq
⟨damnum⟩ emptoris [periculum] esse [placet] ⟨scripsit.⟩ Beseler Tijdschrift 8 (1928) 296

14 (13) [aut certe — *fin*] Bes (?) 3, 185 Haymann SZ 41 (1920) 73. 75 n 1 Konstantinovitch periculum 160 sq. 169 n 1 Paris responsabilité 234 sq Ch Appleton (?) RH 5 (1926) 410 n 2 Seckel-Levy SZ 47 (1927) 245 n 2
[ut is — *fin*] (?) Kr Suppl
[actiones suas — *fin*] ⟨emptorem cognitorem faciat actionis contra aedilem instituendae (?)⟩ Bes l c ca Haymann l c 75 n 1

15 (14) **pr** *genuin* Haymann SZ 41 (1920) 73 sq. 76 Seckel-Levy SZ 47 (1927) 245
[pr] Beseler Tijdschrift 8 (1928) 296

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15 **§ 1** *genuin* Haymann l c 76 sq Seckel-Levy l c Arangio-Ruiz responsabilità contratt 166
⟨Item⟩ Materia⟨m⟩ empta⟨m⟩; [emptoris esse periculo] ⟨emptori perisse⟩; [si minus venditoris] Beseler l c

16 (15) *pp genuin* Arangio-Ruiz responsabilità contratt 68 n 1
[erunt] ⟨erant⟩ Beseler Tijdschrift 8 (1928) 296
[si quidem — nihil adfirmavit] Haymann Haftg 152 sq; SZ 41 (1920) 109 Guarneri Citati obbl indivis 1, 38 n 3 (39) Konstantinovitch periculum 189 Albertario Rend Lomb 59 (1926) 436 ca Ch Appleton RH 6 (1927) 205 sq
[si quidem — nihil adfirmavit] ⟨damnum⟩; [periculum, quia] ⟨. si convenerit, ut vina ad certum diem degustarentur, emptor⟩ Beseler l c
[plane — *fin*] De Medio 16 (1904) 75 Haymann Haftg 152 sq; SZ 41 (1920) 154 Kr Suppl Biondi Bull 32 (1922) 65 n 4 Beseler l c

17 (16) [periculum — *fin*] Arnò Stud Scialoja 1, 349 sq ca Haymann SZ 40 (1919) 266; cf 41 (1920) 119 sq
periculum ⟨tamen⟩ Beseler Tijdschrift 8 (1928) 297
[quod tamen — *fin*] Seckel-Levy SZ 47 (1927) 228 n 1 Beseler l c

18 (17) [18] Haymann SZ 40 (1919) 264 sq ca Jörs röm Priv R 128 n 1 cf Guarneri Citati Ann Pal 11 (1923) 167
iam non [culpam] ⟨custodiam⟩ Bes 3, 65 Kunkel SZ 45 (1925) 278 n 3 Jörs (?) l c
[iam — sed] dolum malum tantum ⟨abesse⟩ Beseler Tijdschrift 8 (1928) 297
Labeo [quidem] Beseler l l c c
[sed videndum — *fin*] Bes 3, 65 Pringsheim Festschr Lenel 243 n 6
[sed videndum — mihi deberet]; sed ⟨non idem dicendum est,⟩ si; [fuisset] ⟨fuerit⟩; [cum posset — *fin*] Beseler Tijdschrift l c
[— aequum est —] Guarneri Citati obbl indivis 1, 137 n 1 (138)

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2 [nisi — *fin*] Eisele SZ 10 (1889) 309 Seckel s v nisi (368) Kr VJR (?) 4, 1, 147, 53

3 [si tamen — *fin*] Haymann Freilassg 31 sq ca Lotmar SZ 33 (1912) 374 sqq Bonfante corso 1, 169 n 7
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4 et [tradiderit] ⟨mancipaverit⟩; [traditio] ⟨mancipatio⟩ Lenel 249 Kr Bes 4, 210
ea mente [tradiderit] ⟨mancipaverit⟩ Lenel l c ⟨mancipavit⟩ Bes l c
[lex quippe — *fin*] ⟨— ? —⟩ Bes l c Kr Nov Suppl ca Kalinka SZ 47 (1927) 331 sq

5 [cuiuslibet civitatis] Bes 3, 13

6 pr pr *genuin* Haymann Freilassg 3
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ut ⟨ipso⟩ iure; [si ne manumitteretur exceptum est] Bes l c
[ceterum — *fin*] Bes l c Kr (?) Suppl
[neve prostituatur]; [aliquo — fuerat exceptum]; [si ne manumitteretur exceptum est]; [*pp* ceterum — *fin*] (?) Mitteis SZ 33 (1912) 188 sq (ca Bes l c)
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7 [citra stipulationem] T *aut* gl Bes 2, 39 ca Mitteis SZ 33 (1912) 189 Riccobono SZ 35 (1914) 262 n 2
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DIGESTORUM LIBER XIX

ED.

HANS NIEDERMEYER

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§ 1 [traditione] ⟨mancipio⟩; [tradere] ⟨mancipare⟩ Lenel 1721 Pernice Labeo 3, 1, 102 Kr

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Non [est novum — enim] ⟨idem esse, si⟩ is qui [venditorem] ⟨aliquem⟩; eundem [venditorem] ⟨ex alia causa de eadem re⟩; [constat] ⟨. nam⟩ duas ⟨quidem⟩; [in — concurrentes]; hereditariam ⟨sed alteram per alteram non consumi.⟩ Beseler SZ 47 (1927) 53 sq
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11 § 1 [§ 1] Bes 1, 83; 2, 70 cf Levy SZ 36 (1915) 64 n 7
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§ 6 [*pp* § 6] Faber error 96 sec Long Stud Scialoja 1, 635 n 1 Rabel Grundz 490 Guarneri Citati Ann Messina 1 (1927) 62 et n 4 Hijmans Verbintenissenrecht[2] 13
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11 § 6 [utilemque — emptionem] Bes 4, 79 Stoll SZ 44 (1924) 54 Guarneri Citati l c
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§ 15 [deficiente — denique] (?); [apud] ⟨ad⟩ Beseler SZ 45 (1925) 466
decimo ⟨quinto⟩ Gothofredus sec Kr et Dig Mil
[ita — *fin*] De Medio Bull 16 (1904) 19 ca Segrè Stud Fadda 6, 353 cf Rabel Haftg 1, 94 n 1 Kr Suppl
[ita demum non] Beseler l c
[ita demum] Guarneri Citati Ann Pal 8 (1921) 414
[si ignorans — fieri] Guarneri Citati l c Beseler l c
[fieri] ⟨teneri⟩ Cuiac sec Kr et Dig Mil
[qui autem — *fin*] Beseler l c Heldrich Verschulden 5

§ 16 [§ 16] Beseler SZ 45 (1925) 466
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[pignoribus] ⟨fiducia⟩ (?) Ferrini Dig Mil Guarneri Citati Ann Pal 8 (1921) 414
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§ 17 [vendiderit] ⟨mancipio dederit⟩; [evictionis] ⟨auctoritatis⟩ Rabel Haftg 1, 75 n 2

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11 § 18 [vendidit] ⟨spopondit⟩ Rabel Haftg 1, 34. 69. 75 n 3 ca Erman SZ 25 (1904) 161 Levy spons 7 n 2
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13 pr [pr] Haymann Haftg 65. 91; SZ 40 (1919) 354
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[inter] ⟨ait⟩; [quid — enim, qui] Beseler (?) SZ 47 (1927) 367 sq
[in condemnatione ex empto] Schulz Einf 119 Kr Suppl Kunkel SZ 46 (1926) 285
[si quidem — praestaturum ei] (?) Beseler l c
[quidem — vero] Schulz l c Kr Suppl
fecit ⟨tigni nomine nihil, et pecoris nomine⟩; [ex empto actione]; [et emptorem decepit] (?); [omnia — traxerit]; [ei] ⟨eum quanti mea interfuit non decipi⟩ Kunkel l c
[sive igitur — *fin*] Riccobono Bull 8 (1895) 257 n 2 Kr
[igitur]; [corruerunt] ⟨corruerint⟩; [perierunt] ⟨perierint⟩ Beseler (?) l c
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[servum emisset] *corr* ⟨servus esset⟩ *scr* Kr
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[et si quidem — *fin*] Haymann Haftg 115 Bes 3, 140 Albertario Rend Lomb 46 (1913) 579 Kr Suppl
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§ 7 [generaliter]; [ad praesens] Riccobono Ann Pal 3/4 (1917) 478 n 5
[ut puta — *fin*] Eisele SZ 11 (1890) 15 gl Kr VJR (?) 4, 1, 209, 36 ca Riccobono l c Bonfante corso 2, 135
non [sunt] ⟨esse⟩; [verum — *fin*] Riccobono l c 478 n 1. 478 sq

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17 § 8 [putea] Mommsen Dig Bonfante corso 2, 138 n 4 gl (?) Lenel 938 Seckel s v puteum

19 inscr [titulo de publicanis] (?) Pringsheim Festschr Lenel 270 n 3

19 [emptione venditioneque] ⟨emptione et venditione emptionis venditionisque⟩ Ed Fraenkel Hermes 60 (1925) 428

21 § 2 [§ 2] Cuiac Comment in Instit Iust 3, 19 schol 9 (si de alia re) Haymann Haftg 124 Lenel Arch z Pr 123 (1925) 184 sq
[$\overline{pp}$ § 2] Pernice Labeo 2, 2, 1 [2], 248 n 2 Kr Rabel Grundz 500 n 1 Arangio-Ruiz Ist [1] 2, 102 n 1; Ist [2] 92 n 1 Betti corso dir rom (1924/25) 275 n 1 Lenel Arch z Pr 123 (1925) 184 sq Lauria Riv dir civ 19 (1927) 353 ca Savigny Syst 3, 287
'cum — dissentiamus' Lauria l c

§ 3 crescat ⟨condemnatio⟩ Betti lit aest 11
[merito — *fin*] gl (?) Rabel Grundz 485 non ⟨emptori dandum⟩ quoniam Kniep mora 2, 78

§ 6 [$\overline{pp}$ § 6 i f] (?) VJR 5, 2, 565, 43

22 [in qualitate fundi]; [mentitus sit] ⟨dixit⟩; [non in — eum]; [inveniri — *fin*] ⟨inveniuntur, sunt tamen omnia centum iugera, hac actione non tenetur⟩ Bes 4, 132

23 [Si quis — vendiderat]· ⟨Quid, si quis servum, quem fiduciae acceperat, (?)⟩ Lenel 221

24 pr [indebiti] ⟨certae creditae⟩ (?) Pernice Labeo 3, 1, 212 n 3 ⟨certae creditae pecuniae⟩ Jobbé-Duval Études 1, 75

§ 1 [$\overline{pp}$ § 1] Pflüger Cic p Rosc 82
[traditus] ⟨mancipio datus⟩ (?) Huvelin furtum 636 n 1
[veram — *fin*] Lenel Iul 253; Paul 1235 Bes 3, 179. 182 ca Riccobono Bull 8 (1895) 225 n 1 v Koschembahr-Lyskowski Cond 2, 227. 229. 233
[in qua — *fin*] Kr Huvelin l c 637

§ 2 [sed — *fin*] Lenel EP [3] 266 (§ 102)
[fideiussor] ⟨sponsor⟩; [fideiussisset] ⟨spopondisset⟩ Rechnitz Iulian 26

25 [ceterum post traditionem] ⟨simili exceptione utetur⟩; [ad exhibendum — *fin*] Beseler SZ 45 (1925) 439

26 [$\overline{pp}$ § 26] Bremer iurispr antehadr 1, 314 *genuin* Seckel-Levy SZ 47 (1927) 126
emptori ⟨praestare⟩ Bremer l c 199

27 [Quidquid — veluti]; [$\overline{pp}$ si — *fin*] Bremer iurispr antehadr 1, 200 *genuin* (?) Haymann Haftg 72

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27 [Quidquid] (?); [veluti — *fin*] gl Seckel-Levy SZ 47 (1927) 125

28 [$\overline{pp}$ 28] Bonfante Glück ital 15, 187 Perozzi Ist[1] 2, 139 n 1 Rabel Grundz 490
[antequam — petat] Pernice Labeo 2, 1², 273 n 3 Guarneri Citati Bull 32 (1922) 263 cf Biondi iud b f 6 n 3. 11
[venditor — summovebit] Beseler SZ 44 (1924) 369
[si consecutus — summovebit] Levy Konk 2, 1, 126 sqq
[si consecutus — esset] Guarneri Citati l c
[quantum — esset] ⟨quanti interfuisset⟩ HKrüger Grünh Z 24 (1897) 413; exc doli 1, 207
[poenae — esset] ⟨emptor ei condemnatus est⟩ Seckel Krit Viert 40 (1898) 401 n 1
stipulatu ⟨egeris vel⟩ Beseler l c
[poenam consecutus] ⟨litem contestatus⟩ Levy l c
[nisi — *fin*] *nota Iuliani* (?) Lenel 911
[nisi — *fin*] Pernice l c 273 HKrüger l c Ferrini Pand 615 n 3 Bonfante Ist[8] 134 n 1 Segrè Stud Fadda 6, 370 n 1. 380 Kr Betti opposizione dell' exceptio 62 VJR (?) 4, 1, 154, 49 Guarneri Citati Bull 32 (1922) 263 Levy l c Beseler l c Naber Mnem 53 (1925) 238 n 5 Jörs röm Priv R 149

29 [$\overline{pp}$ 29] Pernice Labeo 2, 1², 268 n 2 Ferrini legati 624; Pand 691 n 3 Di Marzo Bull 15 (1902) 118 cf Hartmann Obl 103
erat ⟨per vindicationem⟩ Schulz SZ 38 (1917) 129 Bes 4, 335
[empto] ⟨testamento⟩ Fr Mommsen Beitr 1, 261 n 24 Ferrini (?) Dig Mil ca Schulz l c
non ⟨ex causa emptionis, sed⟩ Kr
[non] ⟨existente condicione⟩ Schulz l c Bes l c

30 pr pr *genuin* Huvelin furtum 601—605
[quamvis] ⟨si⟩ Pampaloni Stud Sen 13 (1899) 228
[$\overline{pp}$ retentionem — peculium] Pernice Labeo 2, 1², 276 n 3; 3, 1, 251 n 2 ca P: Solazzi Bull 17 (1905) 234 n 2 Huvelin l c 603 n 1
me ⟨non⟩ habiturum Pampaloni l c
[id est — esse peculium] Eisele SZ 11 (1890) 8 Pampaloni l c Pflüger Condictio 16 Solazzi l c 234 sqq; Stud Fadda 1, 352 n 1 Biondi compensazione 181 n 5 gl Kr
quod ⟨naturaliter⟩; [condictionis] ⟨furtiva⟩ Betti Bull 28 (1915) 70

D de actionibus empti venditi 19, 1

30 pr [licet] ⟨et⟩ Pampaloni l c
[aut omnino — proposito] Biondi a^nes noxales 106 sqq
[aut omnino] Betti Att Tor 51 (1915/16) 1376
[aut] omnino Pampaloni l c Solazzi Bull l c Levy Konk 1, 442 n 4
eo nomine [de peculio]; [aut eatenus — condicere] Pampaloni l c
haberem [aut] ⟨sed⟩ Betti l c
[aut eatenus — fuisset] Solazzi Bull l c Levy l c
[vel quasi — solverim] Riccobono Ann Pal 3/4 (1917) 248 n 1 Kr Nov Suppl
[$\overline{pp}$ secundum — *fin*] Pflüger Cic p Rosc 39 sqq ca v Koschembahr-Lyskowski Cond 2, 239 Haymann Jher Jb 77 (1927) 196. 229
[secundum — *fin*] Beseler SZ 47 (1927) 364
[secundum quae dicendum] Bes 3, 157 Pflüger SZ 43 (1922) 159 n 1
[iste] Bes 3, 157
[condictio — *fin*] Pflüger SZ l c
[quasi res — *fin*] Partsch SZ 32 (1911) 449 Biondi a^nes noxales 106 cf Herzen Mél Girard 1, 544 n 52
ad te ⟨facto meo⟩ Betti Bull 28 (1915) 67

§ 1 'hactenus . . . ut' *genuin* Seckel-Levy SZ 47 (1927) 220 n 4
[id est — *fin*] Perozzi Ist[1] 2, 223 n 2
[est] ⟨et⟩ Schloßmann SZ 24 (1903) 179 n 2

31 pr [pr] Haymann SZ 40 (1919) 286. 330 sqq
[$\overline{pp}$ pr] Vážný Ann Pal 12 (1926) 148 et n 3
[$\overline{pp}$ Si ea *sqq*] *Neratium de servo egisse;* [$\overline{pp}$ custodia — proficit]; sequatur ⟨— ? —⟩ Lusignani respons 2, 33 sq ca Schulz Krit Viert 50 (1912) 68. 256 Arangio-Ruiz responsabilità contratt 165 n 1
[quia — proficit] Vážný l c
'Si — proficit' *fere genuin* Seckel-Levy SZ 47 (1927) 148 n 1. 246 n 2
[actiones autem — *fin*] Bes 3, 70 Kr Nov Suppl Arangio-Ruiz l c
[ut omne — *fin*] gl Grünwald Heidelb Diss 1912, 39
sequatur ⟨— ? —⟩ Dig Mil

§ 1 ⟨Mora in tradendo servo vendito facta omne lucrum, quod non ex re mea per eum servum adquisii, emptorem sequitur⟩ et non Kr Schulz Krit Viert 50 (1912) 256

§ 2 [$\overline{pp}$ § 2] (?) Rabel Grundz 446 ca Lenel SZ 39 (1918) 158 n 1 Bonfante Ist[8] 315 n 1

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31 § 2 [cum — traditaque est] Bes 4, 132 traditaque ⟨utrique⟩ *ins* Mommsen Dig ca Huschke Publ Kl 97 n 185
[ius] ⟨possessionem⟩ Bes l c
[ius eius] *corr* ⟨iuste⟩ Mommsen Dig PKrüger Mél Girard 2, 41 *similiter* Faber sec Kr ca Huschke l c 99 n 189 ⟨eam⟩ *emendat* Scialoja Dig Mil ⟨rem⟩ *emendat* Riccobono Dig Mil
[qui prior — hoc est] Beseler SZ 45 (1925) 440
[hoc — tradita est] Eisele SZ 11 (1890) 8 Bremer iurispr antehadr 2, 2, 320 Kr Bes 4, 136
tuendus [est] ⟨esset⟩ Bes 4, 136

32 [vel — minoribus] Haymann SZ 40 (1919) 353 Bes 4, 133 Kr Suppl Heldrich Verschulden 15
[dici] Mommsen Dig Bes l c
venditorem ⟨hac formula⟩ Haymann l c
[ergo — *fin*] Haymann l c Bes l c Kr Suppl Heldrich l c

35 [de evictione] ⟨auctoritatis⟩ Rabel Haftg 1, 71

36 [36] Haymann SZ 40 (1919) 295 sqq cf Beseler SZ 45 (1925) 467
[pp 36] Paris responsabilité 218 sq
[stipulationem interponere debet] ⟨utiliter stipulatur⟩ Beseler SZ 47 (1927) 368
[antequam vacuam — tradat] (?) Seckel-Levy SZ 47 (1927) 192 n 4
[et diligentiam] Schulz Krit Viert 50 (1912) 65 sqq Kr Suppl Kunkel SZ 45 (1925) 279 sqq Arangio-Ruiz responsabilità contratt 169 Beseler l c
[et pars — *fin*] Schulz l c Kr Suppl Kunkel l c Arangio-Ruiz l c Beseler l c

38 pr [et si — *fin*] Haymann Haftg 143 Kr Suppl Guarneri Citati obbl indivis 1, 50 n 1
[nisi — praestaret] Eisele SZ 10 (1889) 310 Kr (?) VJR (?) 4, 1, 144, 13 cf Stella Maranca Celso 59

§ 1 *genuin* Bes 2, 114
⟨Livius⟩ Drusus Ed Fraenkel Hermes 60 (1925) 428

§ 2 [pp § 2] Riccobono Ann Pal 3/4 (1917) 481 n
[an ut — fixaque] *corr* ⟨ut vincta fixaque an ut ruta caesa⟩ *emendant* Gebauer et Spangenberg Dig cf Stella Maranca Celso 59
[quid ergo — *fin*] Biondi Bull 29 (1918) 228 n 2
[pp quid ergo — cogitaverunt] Riccobono SZ 43 (1922) 286 n 2

D de actionibus empti venditi 19, 1

39 [pp 39] De Medio Bull 16 (1904) 39
[non certioraverit emptorem] Gradenwitz Itpp 237 Kr Brassloff Wien Stud 33 (1911) 141; cf Philologus 72 (1913) 303 Heldrich Verschulden 13 ca Kalb RJ 92 an [ex empto]; [cum haec — certiorare nequivit]; [ex empto] Heldrich l c ca Kunkel SZ 46 (1926) 435
[si certioratus — fuisset] Mommsen Dig Gradenwitz l c VJR (?) 1, 720, 35 Kr Brassloff l c ca Kalb l c
[sed — nequivit] Gradenwitz l c Kr VJR (?) 4, 1, 117, 16 ca Kalb l c

40 [pp 40] Bremer iurispr antehadr 1, 93 Rabel Papyrusurkunden Basel 31 cf Boyer recherches 87 sq
[rebus] Fadda Dig Mil
[et ideo — *fin*] Pringsheim SZ 44 (1924) 432 n Beseler SZ 45 (1925) 467

41 [pp 41] ⟨— ? —⟩ De Medio Bull 16 (1904) 25 n 1

42 [pp 42] Pernice Labeo 2, 1^2, 246 n 1
[tradiderit] ⟨mancipaverit⟩ Lenel 1289 Kr tradiderit [et] ⟨ut⟩; [perpetuo] ⟨suo⟩ Scialoja Dig Mil
[et tunc — invenitur] Bes 3, 62
in vinea [quam] ⟨vel⟩ Mommsen Dig ⟨minus⟩ Kr
[ex empto] Lenel l c
[sed rectius — *fin*] Cuiac Ad African tractat VIII ad l 47 de eviction i f (1, 1498 A) Faber rat adhl Gradenwitz Itpp 233 Lenel l c Lusignani Bull 11 (1898) 31 n 1 VJR (?) 1, 640, 36. 843, 37. 844, 21. 1092, 51; 3, 1, 201, 21; 5, 1, 158, 49 Kr Partsch SZ 33 (1912) 601 Haymann Haftg 13 Leone Fil 41 (1916) 195 Pringsheim Festschr Lenel 260 Solazzi Arch giur 94 (1925) 91 Biondi compensazione 272
[sed rectius — compensari] Biondi iud b f 17 n 2. 217 n 2
[rectius] Albertario Bull 33 (1923) 27 n 1 cf Cuiac l c

43 [pp 43] Ferrini Pand 688 n 4 De Francisci Bull 23 (1911) 287 sq Beseler SZ 47 (1927) 368 cf Biondi iud b f 146 H Krüger Herstellg 135
[legataria] ⟨Seia⟩; [legatariam] ⟨Seiam⟩ Bes 4, 133
manumissione non ⟨amitti ex empto actionem, quamquam auctoritas⟩ (?) Lenel 1327 cf Dig Mil ⟨amitti empti actionem, etsi actio ex stipulatu propter evictionem *vel similia*⟩ Kr ⟨amitti empti actionem, sicut non⟩ amittitur eo modo

D de actionibus empti venditi 19, 1

43 ⟨actio auctoritatis⟩ Riccobono Ann Pal 3/4 (1917) 398 n 1
[plane si — *fin*] Ferrini l c Kr Riccobono l c 398 sq. 421 Albertario Arch giur 93 (1925) 8. 10 n 1 cf H Krüger l c
[excedisse] ⟨excrevisse⟩ *emendat* Ed Fraenkel Hermes 60 (1925) 428 sq

44 [44] Wissenbach embl adhl 43 De Ruggiero Bull 14 (1901) 120 n 3 H Krüger Herstellg 135 Albertario Arch giur 93 (1925) 8 Buckland text-book 488 n 4 ca Kniep mora 2, 489 n
[cum et forte] Riccobono Ann Pal 3/4 (1917) 398
[et non — *fin*] Giphanius sec Kr Lenel (?) 96 Eisele SZ 13 (1892) 126 Ferrini Pand 688 n 4 De Francisci Bull 23 (1911) 287 VJR (?) 4, 1, 253, 8 Riccobono l c ca Kniep l c

45 pr 'idque — est' iungenda esse cum lege 44 censet Kniep mora 2, 491
[iustum] Donatuti Ann Perug 33 (1921) 402

§ 1 [$\overline{pp}$ § 1] Riccobono Ann Pal 3/4 (1917) 187 n 1. 416 sq. cf 345 n 2 Biondi iud b f 146
[mercedes et impensas] Cugia tirocin industr 53
[$\overline{pp}$ in omnibus — *fin*] Gradenwitz Itpp 237 VJR (?) 1, 640, 33; 3, 1, 165, 35. 169, 30
[in omnibus — *fin*] De Medio Bull 16 (1904) 72 Haymann Haftg 68 Rabel Grundz 482 n 3 Riccobono l c 187 n 1. 417 Kr Suppl cf Guarneri Citati obbl indivis 1, 77 n 1

§ 2 [id est heredis] Eisele SZ 11 (1890) 9 Kr
[sed hoc — *fin*] Eisele SZ 10 (1889) 310 De Medio Bull 16 (1904) 78 Kr Bes 3, 62; 4, 69 VJR (?) 3, 1, 194, 28; 4, 1, 135, 5; 5, 2, 445, 41 Guarneri Citati l c 200 n 3

46 [cogetur — *fin*] Seckel-Levy SZ 47 (1927) 154 n 3

47 [$\overline{pp}$ 47] Riccobono SZ 43 (1922) 356
[ita — conveniatur] Guarneri Citati obbl indivis 1, 251 n 3; Bull 32 (1922) 246; Ann Pal 11 (1923) 234 et n 3; cf SZ 47 (1927) 563
[neque heres — exhibuerit] Guarneri Citati obbl indivis 1, 233 n 3 Kr Nov Suppl
[neque]; [reliquam — exhibuerit] Guarneri Citati Bull l c; Ann Pal l c
[$\overline{pp}$ ex contractu — *fin*] Guarneri Citati Bull l c 246. 262

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48 [eius]; [ostendere ex — habuerit et]; [id ex — appareat]; [et instrumenta fundi et] Bes 2, 64
[quod si — *fin*] Gradenwitz Itpp 200 ca Lenel 240
[hoc — *fin*] Bes l c Kr Suppl; Nov Suppl
[contractui — *fin*] Pringsheim SZ 42 (1921) 651 n 9
[bonae fidei contractus] De Francisci Synall 2, 474

50 [$\overline{pp}$ 50] Rabel Grundz 483 n 2 (cf Brini infra cit) Haymann SZ 41 (1920) 58 Konstantinovitch periculum 110 n 1 *genuin* Boyer recherches 99 Ch Appleton RH 5 (1926) 382 n 1
[Bona fides non patitur, ut] Cornil NRH 25 (1901) 147 *genuin* Rotondi Scr giur 2, 153 n 2
[alicuius] legis ⟨Iuliae de bonis cedendis⟩ Brini Mem Bol sez giur 6 (1911/12) 23
[rei venditae] *del* Kr
[$\overline{pp}$ antequam — *fin*] Brini l c
[$\overline{pp}$ possessione — *fin*] H Krüger exc doli 9 sqq
[aeque] *corr* ⟨aesque⟩ Collinet RH 6 (1927) 187
[amitteret] ⟨amittat⟩; rem ⟨et pecuniam⟩ Mommsen Dig ca Cornil l c 143 sq
eam rem ⟨exceptio rei venditae et traditae obstet ac pretii ab emptore petitionem, tamquam si eam rem⟩ Mommsen jur Schr 2, 121; cf Dig
eam rem ⟨emptor petitionem opponere possit: si eam rem⟩ Bonfante Glück ital 21, 342; Dig Mil

51 § 1 [hoc ita verum puto] Gradenwitz SZ 34 (1913) 268
[ita]; [nisi — *fin*] Bremer iurispr antehadr 2, 2, 427 Kr Bes 4, 69 VJR (?) 4, 1, 158, 25; 5, 2, 441, 41

52 § 2 [militiae] ⟨apparitionis⟩ *aut* ⟨decuriae⟩ (?) Marchi Arch giur 76 (1906) 301. 303 sq
[ab illa persona] Marchi l c Kr Dig et Suppl
[debet]⟨debeat⟩; [actiones extraordinarias] (?) Marchi l c

53 § 1 [nec — excepisti] Albertario Riv It sc giur 51 (1922) 682 n 1

54 pr [$\overline{pp}$ pr] Pernice (?) Labeo 2, 2, 1, 235 n 4 Paris responsabilité 209 sqq Vážný Ann Pal 12 (1926) 149 et n 3
genuin Rechnitz Iulian 18 Ch Appleton RH 6 (1927) 236
initium genuin Seckel-Levy SZ 47 (1927) 252

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54 pr [et si id — eras] (?); [culpa — videbitur]; [idem iuris — fuerit] Kunkel SZ 45 (1925) 274 sq
[quid si — *fin*] Lusignani respons 2, 9 sqq sec Schulz Krit Viert 50 (1912) 56 sqq Kr Suppl Arangio-Ruiz Ist [2] 352 n 1
fuerit ⟨aliquando⟩ Kr
[tamen potest — *fin*] Haymann SZ 40 (1919) 257 sqq Kunkel l c Seckel-Levy l c 141 n 2. 252 n 2
tamen [potest] ⟨non potes⟩; imperaturus non [fuisset] ⟨fuisses⟩; venisset [veluti] ⟨nisi⟩ Dig Mil
[nam certe] Guarneri Citati obbl indivis 1, 41 n 2
[itaque — *fin*] Seckel s v dirigere Albertario Pubbl Sacro cuore 1, 2, 17 n 1

§ 1 [dum integra det] Haymann Haftg 73 Seckel-Levy SZ 47 (1927) 124

55 [vel promitteretur]; [et stipulationem] Riccobono SZ 43 (1922) 300 Guarneri Citati Ann Pal 11 (1923) 199 n 4
[potius — natura] *corr* Dig Mil ca Rabel Mél Gérardin 509
[etiamsi — *fin*] Faber tract de variis 167, 17 sec Kr Rabel l c 485 sq Guarneri Citati obbl indivis 1, 234 n 2

D locati conducti 19, 2

1 [$\overline{pp}$ 1] Perozzi Ist [1] 1, 70 n 1
[cum]; [sit] ⟨est⟩; gentium ⟨et⟩ Siber nat obl 2 n 2

2 [$\overline{pp}$ 2] π Albertario Rend Lomb 59 (1926) 437

pr [Locatio — venditioni] Albertario Arch giur 89 (1923) 258 n 1

§ 1 [$\overline{pp}$ § 1] Pringsheim SZ 42 (1921) 280

5 [$\overline{pp}$ 5] Kipp Krit Viert 33 (1891) 518

6 [rem] ⟨agrum⟩; [rei] ⟨fructuum⟩ Haymann SZ 40 (1919) 243 n 4

7 inscr [Paulus] *corr* ⟨Ulpianus⟩ Lenel 501; EP [3] 297 n 5 (§ 109). 299 n 14 (§ 111 (112)) cf Kr

9 pr [plane si — *fin*] Pernice Labeo 2, 2, 1, 253 n 1 VJR (?) 1, 827, 18; 3, 1, 65, 12. 52; 4, 1, 250, 45 Siber Jher Jb 50 (1906) 260 Perozzi Ist [1] 2, 123 n 1 Kr Haymann Haftg 136 Partsch SZ 33 (1912) 613 Last Jher Jb 62 (1913) 113 n 4 Siber in Plancks Kommentar zum Bürgerlichen Gesetzbuch 2, 1[4], 92 (§ 251 n 2 b α) Costa locaz 38 Guarneri Citati obbl indivis 1, 137 n 1 Biondi Bull 32 (1922) 65 n 4 Beseler SZ 45 (1925)

D locati conducti 19, 2

9 pr 456 Müller fr 50 D de iure fisci 49, 14 p 9 n 38

§ 1 [non magis — conductori] Lautner Festschr Hanausek 73 n 1
[et est aequissimum] Beseler l c

§ 3 [quidem] Schulz Grünh Z 38 (1911) 35 n 77
[quidem fortuitus] Guarneri Citati misc eseg 1, 7. 12. 32
[fortuitus] De Medio (?) Bull 20 (1908) 168 n ⟨maior⟩ Schulz l c
[locator] ⟨locatori (?)⟩ Haymann SZ 40 (1919) 238 n 3 ⟨conductor⟩ Dig Mil
[si vero — *fin*] Schulz Haymann Guarneri Citati ll c c
[locatoris] ⟨conductoris⟩ Dig Mil

§ 4 [citra — fraudem] gl Bes 2, 40 cf Arangio-Ruiz responsabilità contratt 145 sq

§ 5 [etiam — adnumerandam] Bes 4, 210 Arangio-Ruiz l c 205 sq. 206 n 1
[si quis — debere] (?) Paris responsabilité 87 sq
[culpam] ⟨et custodiam⟩ eum Bes l c
[culpam eum — debere] Arangio-Ruiz l c
[et quod — esse] (?) Kunkel SZ 45 (1925) 299 n 1
[culpam esse — *fin*] Bes l c
[culpam esse] ⟨eum praestare debere⟩ Arangio-Ruiz l c

§ 6 [vel donata] Di Marzo Bull 17 (1905) 109 n 1 Kr Schulz SZ 38 (1917) 150 Bes 4, 335
puto ⟨non⟩ Amann sec Dig Mil ca Schulz l c 151 n 2

10 [vel — *fin*] Schulz SZ 33 (1912) 54 n Bes 4, 335

11 pr [$\overline{pp}$ pr] Seckel (?) s v hospes 1 Haymann SZ 40 (1919) 252 Huvelin RH 3 (1924) 322 n 1 Biondi a[nes] noxales 123 cf Levy Konk 2, 1, 72 n 2. 75 n 3
[$\overline{pp}$ Videamus — tenebitur] Schulz Grünh Z 38 (1911) 33 sq
culpam et ⟨eorum⟩ Scialoja Dig Mil
[et quoscumque iuduxerit] Bes 3, 186 Kr Suppl
[et quatenus — tenebitur] Bes l c Kr Suppl
[ut culpam — hospites] Bes l c
[culpam etiam — convenit] Kr Suppl
[si tamen — hospites] Pernice Labeo 2, 2, 1, 257 n 2 VJR (?) 1, 1074, 35. 1075, 45. 1076, 17; 3, 1, 273, 13 Kr Messina Vitrano az in fact 45 sq Schulz l c (ca Schulz SZ 27 (1906) 129 n 4) Rotondi Scr giur 2, 490 n 3 Levy Konk 2, 1, 72 n 4 Vážný Ann Pal 12 (1926) 111 n 2 ca Costa locaz 56

D locati conducti 19, 2

11 pr [talis] Guarneri Citati obbl indivis 1, 50 n 1

§ 1 [$\overline{pp}$ § 1] Haymann SZ 40 (1919) 238 n 3
[fortuitus] Guarneri Citati misc eseg 1, 7. 13. 32 ⟨maior⟩ Schulz Grünh Z 38 (1911) 35 n 77
[aliud — *fin*] Biondi a^nes noxales 10 n 3
habere ⟨permittere⟩ Kr

§ 3 [nisi — *fin*] Eisele SZ 10 (1889) 310 VJR (?) 1, 631, 5. 905, 30. 1077, 9; 4, 1, 147, 11 Seckel s v nisi (368) Kr Haymann SZ 40 (1919) 194 Paris responsabilité 90 sqq

§ 4 [conductionem] ⟨conventionem⟩ Faber sec Kr De Francisci Synall 2, 481

13 pr [id — carucarius] gl Eisele SZ 11 (1890) 9 Lenel 948 Kr
[sed — *fin*] Collinet NRH 34 (1910) 161 Kr Suppl

§ 1 [$\overline{pp}$ § 1] Seckel-Levy SZ 47 (1927) 247 n 2
[Minturnense] Bes 2, 8
navis [ea] Bes 2, 8; 3, 13
perierit ⟨qua actione⟩ Schulz Grünh Z 38 (1911) 51 sqq ⟨non⟩; navicularius ⟨et ita⟩ Bes 3, 13
[si culpa — teneri] Bes Schulz l l c c
[si culpa caret] Bes 2, 50
[ceterum — *fin*] Bes 1, 50; 3, 13; 4, 262 n 1
[ceterum]; si [vel]; [vel quo — tunc] Schulz l c
[idoneae] ⟨idonea⟩ *scr* Scialoja Dig Mil
[$\overline{pp}$ § 1 i f] (?) VJR 4, 1, 33, 5

§ 3 [— sic —] (?) VJR 5, 2, 521, 36

§ 4 [ex locato — diximus] Cugia tirocin industr 98
[sed — diximus] De Medio Stud Scialoja 1, 53 Kr Bes 2, 135 Rotondi Scr giur 2, 487 n 2 Huvelin (?) Mél Girard 1, 566 n 1 Schulz Einf 56 Pringsheim Festschr Lenel 260 Jörs röm Priv R 165 n 4
[negat — *fin*] Cugia l c

§ 5 [§ 5] Haymann SZ 40 (1919) 191 sqq ca Vážný Ann Pal 12 (1926) 124 n 1
[$\overline{pp}$ Si gemma — erit] Schulz Krit Viert 50 (1912) 42
[huic — *fin*] Eisele SZ 10 (1889) 311 Kr Lusignani et Schulz l c VJR (?) 4, 1, 144, 52; 5, 2, 348, 12 cf Arangio-Ruiz responsabilità contratt 203 sq

§ 6 [quia — cavere] Haymann SZ 40 (1919) 192 Kr Suppl Kunkel SZ 45 (1925) 283 n 2 ⟨quia necesse habet custodiam prae-

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13 § 6 stare⟩ Kübler Festg Gierke 2, 161 n 1 Schulz Krit Viert 50 (1912) 37. 42 Paris responsabilité 62 sq ⟨quia custodiam praestare debet⟩ Arangio-Ruiz responsabilità contratt 92 sq. 172

§ 7 [$\overline{pp}$ Labeo — *fin*] Haymann SZ 40 (1919) 235

§ 8 [§ 8] Haymann SZ 40 (1919) 245 n 2. 351 sqq; 41 (1920) 75 sq Pringsheim Festschr Lenel 235

§ 9 multa excidisse putat Kerr Wylie Solidarity 303

§ 11 [ut prout — *fin*] Costa locaz 105
[nisi — *fin*] Faber error 96, 6 Schulting adhl Eisele SZ 7 (1886) 27; 10 (1889) 311 Lenel (?) 948 H Appleton int 55. 234 sqq Pernice SZ 19 (1898) 92 n 3 Ferrini Pand 702 n 2 Dernburg Pand 2, 309 n 46 VJR 1, 722, 18. 853, 49. 903, 43; 4, 1, 144, 19 Seckel s v nisi (368) Kr Riccobono SZ 34 (1913) 242 n 1 Biondi giur decis 99 n 3 ca Vangerow Pand [7] 3, 457 sqq Samter jur Wochenschrift 52 (1923) 741
[in scriptis] Pernice Labeo 2, 1 [2], 107 n 3 Lenel l c

14 [$\overline{pp}$ 14] Lenel 1607 Scialoja (?) Stud per Bologna 234 n 6 Stoll SZ 44 (1924) 8 n 1
[et huiusmodi — convalescunt] Perozzi Stud Schupfer 1, 170 Kr VJR (?) 4, 1, 115, 35. 304, 39 De Francisci Synall 2, 423

15 § 1 [forte — oporteat] Perozzi Ist [1] 2, 231 n 2 cf Biondi iud b f 140 n 6
[vel ubi — oporteat] gl Lenel 949

§ 2 [cui — potest] De Medio Bull 20 (1908) 188 sq Guarneri Citati misc eseg 1, 50
[et si quid — acciderit] De Medio l c
[si vero — esse] Niedermeyer Byzantinneugriech Jahrbücher 2 (1921) 91

§ 6 [$\overline{pp}$ § 6] Pernice Labeo 3, 1, 306 n 1 Kr Dig Mil ca Kalinka SZ 47 (1927) 324
[pro] ⟨a procuratore Caesaris⟩; [mutua] ⟨mutuam⟩ Bes 4, 133
[pro mutua] ⟨promutuam⟩ Huschke Darl 14
[repeteretur] Haymann SZ 41 (1920) 157 ⟨non redderet⟩ Bes l c
[quod — *fin*] Bes l c Guarneri Citati obbl indivis 1, 168 n 2; Ann Pal 11 (1923) 182 n 1; Ann Messina 1 (1927) 132 n 2 Kr Nov Suppl

§ 9 [agetur] ⟨agi⟩ Mommsen Dig Solazzi Bull 27 (1914) 304

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19 § 1 [ignarus] ⟨sciens⟩ Haymann Haftg 101 [nec — excusata] Kunkel SZ 45 (1925) 327 n 4 Heldrich Verschulden 21 sqq [si ignorasti — petes] Heldrich l c

§ 2 praestare quae [que] Ed Fraenkel Hermes 60 (1925) 423
[haec omnia — *fin*] Eisele SZ 10 (1889) 311 Seckel s v nisi (368) Kr Riccobono Stud Brugi 190 VJR (?) 3, 1, 166, 3. 208, 32; 4, 1, 157, 47; 5, 2, 442, 2. 520, 21 Bes 4, 69 Guarneri Citati Bull 33 (1923) 219 n

§ 3 [dominus] ⟨deinceps⟩ *scr* Ferrini Dig Mil

§ 4 [$\overline{pp}$ § 4] Biondi iud b f 141 Bonfante corso 2, 1, 137 n 1. 343 n 4
[vel quaedam alia] Pampaloni Riv It sc giur 49 (1911) 241. 232 Riccobono Ann Pal 3/4 (1917) 446 sqq. 487 Kr Nov Suppl
[et est verius — *fin*] Longo locatio-conductio (corso dir rom 1920/21) sec Albertario Arch giur 86 (1921) 250; cf SZ 47 (1927) 532 Albertario Stud Pavia 6 (1921) 91 n 1
[et est verius] (?) Riccobono Arch giur 53 (1894) 525
[est verius quod] Riccobono Ann Pal l c
[ut ei — *fin*] Bremer iurispr antehadr 2, 1, 253 cf Pernice Labeo 2, 1 [2], 387 n 4 Pampaloni l c
[sed ut — *fin*] Riccobono Ann Pal l c 447 sq. 487. 493 n 6 Kr Nov Suppl

§ 5 [et ad — *fin*] Bes 1, 42

20 pr [pr] (?) VJR 1, 887, 49

22 pr [Item] ⟨Id est⟩ Cuiac ca Lenel 518

§ 2 eorum ⟨quae impendit⟩; [locat — *fin*] Bes 4, 133 De Francisci translatio 23
[locat — *fin*] gl Kreller Arch z Pr 122 (1924) 33 sq n

23 [si — possit] De Medio Bull 16 (1904) 67 Kr Suppl Guarneri Citati obbl indivis 1, 136 n 3

24 pr [domini] ⟨Titii⟩; [fuisset — comprehensum] Albertario arb b v d debitore n determinazione d prestazione 17
[nisi — comprehensum sit] Eisele SZ 10 (1889) 311 Seckel s v nisi (368) Kr VJR (?) 4, 1, 144, 44
[ut ex — *fin*] Arangio-Ruiz responsabilità contratt 209 sq

§ 2 [domus vel]; [pensionibus]; [habitationem vel]; [vel inquilinus]; [eis] ⟨eo⟩ Solazzi missio in bona r s c 17 n 2

§ 3 [Sed et]; [debuerunt] ⟨debuit⟩ Solazzi l c velut ⟨ut⟩ *ins* Hal et Hoffmann sec Kr Dig et Dig Mil Solazzi l c

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24 § 3 [efficerent] ⟨efficeret⟩; [facerent — *fin*] ⟨faceret⟩ Solazzi l c

§ 4 [§ 4] Perozzi Ist [1] 2, 231 n 2 ca Guarneri Citati Ann Pal 11 (1923) 228
nec enim [semper] Kr Suppl
[sera — non potest] Bes 3, 202
[quodsi paucis — minuet] Ferrini obbl 615 Perozzi Ist [1] 2, 234 n 1 Costa locaz 31 Albertario Riv dir comm 20 (1922) 684
[sive — *fin*] Bes 3, 202 Schulz (?) SZ 43 (1922) 245 n 6

25 pr [pr] Faber rat adhl
[$\overline{pp}$ pr] Cuiac ad lib 3 Inst Just 23 § 1; ad tit de verb obl l 43; in lib 4 Quaest Pauli ad l 27. 29 D pro socio (17, 2); ad lib 19 Dig tit 2 adhl Wissenbach embl 44 Gradenwitz Itpp 5. 217 H Appleton int 10 n 6. 13 sqq. 32. 74. 114 Schirmer Arch z Pr 91 (1901) 140 Seckel s v generalis VJR (?) 1, 903, 12; 3, 1, 241, 33; 4, 1, 132, 51. 167, 15. 204, 27. 308, 5. 312, 39; 5, 2, 557, 40. 558, 1 Lenel RG 383 De Francisci Synall 1, 217 n 1 Albertario Bull 31 (1921) 10 n 1 Pringsheim Festschr Lenel 258
[promissa] ⟨permissa⟩ Kr Scialoja Dig Mil
[generaliter] Lenel 245 Kr
[sin — *fin*] Lenel 245 Kr Dig et Suppl Scaduto Ann Pal 11 (1923) 26 Guarneri Citati obbl indivis 1, 77 n

§ 1 [$\overline{pp}$ § 1] Cuiac in lib 3 Inst Just 23 § 1; ad tit de verb obl l 43; in lib 3 Quaest Pauli ad l 27. 29 D pro socio; ad lib 19 Dig tit 2 adhl
[alioquin — *fin*] (?) Müller fr 50 D de iure fisci 49, 14 p 16 n 72

§ 2 [$\overline{pp}$ § 2] Cuiac vide sub § 1
[certe — dubitatio est] Last Jher Jb 62 (1913) 98 n 3
[nulla dubitatio est] Pringsheim Festschr Lenel 214

§ 3 [$\overline{pp}$ § 3] Cuiac vide sub § 1
[ne — faceret] Grupe SZ 17 (1896) 320 Riccobono Ann Pal 3/4 (1917) 332 n 1 Beseler SZ 44 (1924) 369
[ut eas — *fin*] Beseler l c

§ 4 [§ 4] Beseler SZ 44 (1924) 369
[$\overline{pp}$ § 4] Cuiac vide sub § 1

§ 5 [$\overline{pp}$ § 5] Cuiac vide sub § 1
[Ipse quoque] Beseler SZ 44 (1924) 369
[quoque] Mommsen Dig
si ⟨arbores⟩ Beseler l c
[ex lege — tabularum] Siber Pass Leg 175 sq Levy Konk 2, 1, 37. 204 n 2 Beseler l c

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25 § 5 tabularum ⟨de arboribus succisis et ex edicto praetoris⟩ Lenel 245 cf Pernice SZ 17 (1896) 215 n 2
[utique — *fin*] Beseler l c
[qui — iudicat] Peters SZ 32 (1911) 294 ca Levy l c 44

§ 6 [$\overline{pp}$ § 6] Cuiac vide sub § 1 Bes (?) 3, 202 Albertario in Rotondi Scr giur 3, 471 n 5 Guarneri Citati Bull 32 (1922) 251 n 1 cf Seckel s v modicus
[θεοῦ βίαν] ⟨θεομηνίαν⟩ Brenkmann SZ 32 (1911) 376 (sec Alciatum)
[si plus — aufertur] Albertario Riv dir comm 20 (1922) 685
[apparet — *fin*] Costa Mem Bol cl sc morali sez sc giur 7 (1912/13) 11; locaz 22. 50 Kr (?) Suppl

§ 7 [$\overline{pp}$ § 7] Cuiac vide sub § 1 Haymann SZ 40 (1919) 192 sqq Paris responsabilité 83. 85 Arangio-Ruiz Ist[2] 352 n; responsabilità contratt 206 sq. 207 n 1 ca Bes 4, 134 cf Kunkel SZ 45 (1925) 277
[ita id] ⟨custodiae⟩ Schulz Grünh Z 38 (1911) 26 sq; Krit Viert 50 (1912) 41 Kr (?) Suppl cf Rabel Grundz 481 n 4
[si qua — fuisset] Schulz l l c c Kr (?) Suppl ca Bes l c Kunkel l c Huvelin RH 3 (1924) 322 n 1
[culpa autem — fuisset] Lusignani respons 1, 57 Schulz Krit Viert 50 (1912) 41 Vážný Ann Pal 12 (1926) 123 ca Loncao Ann Pal 5 (1917) 88

27 pr [non] si; [paulo — commode]; caenaculi ⟨non⟩; [statim] Albertario Riv dir comm 20 (1922) 685 n 1
[oportet] ⟨oportere⟩ Bremer iurispr antehadr 1, 205 Kr
[ea enim — esse, ut] ⟨veluti⟩; [aliquam — *fin*] Albertario l c
[non ita — *fin*] Pernice apud Bremer l c Kr VJR (?) 1, 711, 2; 4, 1, 211, 25. 246, 6

§ 1 [tamen]; [sed — *fin*] Bremer l c Kr VJR (?) 4, 1, 138, 45. 212, 39

28 § 1 praestaturum ⟨partis⟩ Mommsen Dig cf Ferrini et Scialoja Dig Mil
[praestaturum — *fin*] Pernice Labeo 1, 72

§ 2 [Idem — uti] *corr* Kr
[uti] ⟨ut ei⟩ *scr* Mommsen Dig
[ceterum — *fin*] Pernice apud Bremer iurispr antehadr 1, 242

30 pr [si vitiatum — *fin*] Albertario contr crit 18 *genuin* Bes 3, 48

§ 2 [sed lege — *fin*] Haymann SZ 40 (1919) 250 sqq Kr Nov Suppl Vážný Ann Pal 12

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30 § 2 (1926) 130 *genuin* Arangio-Ruiz responsabilità contratt 143
[recte] Guarneri Citati Ann Pal 11 (1923) 320 n

§ 3 [septem] ⟨sestertios septenos⟩ Mommsen Dig Bremer iurispr antehadr 1, 206 ca Kniep soc publ 140
[septem] *corr* (?) VJR 5, 2, 363, 14

§ 4 [non fortuito casu] De Medio Bull 20 (1908) 160 n 3 Guarneri Citati misc eseg 1, 13 sq. 32 Solazzi Arch giur 94 (1925) 83 sq
[nec id — *fin*] Solazzi l c
'utrosque' *genuin* Kniep soc publ 135

31 [$\overline{pp}$ 31] Kübler SZ 29 (1908) 192 Arangio-Ruiz Ist[1] 1, 196; Ist[2] 286 et n 1 cf Huvelin furtum 515 sqq
Saufeii [cum]; [possunt] ⟨possent⟩; genera esse ⟨. nam aut ita locari⟩ ut [aut]; locarentur aut ⟨ita ut tantundem⟩ Beseler SZ 45 (1925) 467
[$\overline{pp}$ idem iuris — solveret] Naber Mnem 34 (1906) 62 Perozzi Ist[1] 2, 274 n 3 Arangio-Ruiz Ist[2] 286 n 1 gl Collinet Ét hist 1, 116 sq Appleton (?) NRH 40 (1916) 24 n 1 ca Longo Bull 18 (1906) 137 Segrè Bull 19 (1907) 201 cf Rotondi Scr giur 2, 38 n 2. 62 sqq. 110 n 2 Huvelin l c 518
[idem iuris esse in deposito *etc*] Albertario Bull 25 (1912) 17
[solveret] Kr ⟨solvere et⟩; secundum ⟨ea⟩ quae ⟨proponerentur⟩ Beseler l c
[separatim] ⟨separatum⟩; in alia ⟨atque alia⟩ Kr Beseler l c
non potuisse [nos] ⟨nautam⟩ Faber sec Kr et Dig Mil
[non potuisse — tum]; [et ideo — aversi] ⟨et adversus nautam ex locato agere⟩ Beseler l c
[actiones] ⟨actionem⟩ (?) Fadda Dig Mil
[si ita — culpam esse] ⟨in proposito ex locato agi non posse. neque enim dolo fecisse Saufeium⟩ Beseler l c
[sed si ita — *fin*] Perozzi l c Vassalli Stud Sen 26 (1909) 66. 67 n 1 Haymann SZ 40 (1919) 223 n 1
[omni modo] Guarneri Citati obbl indivis 1, 77 n

32 eum fundum ⟨per vindicationem⟩; quis rem ⟨nec mancipi⟩; legasset ⟨per damnationem⟩ Erman SZ 40 (1919) 357 sq
[et legatario] Levy Konk 1, 24 n 6

33 [$\overline{pp}$ 33] Haymann SZ 41 (1920) 63 sqq. 159 Paris responsabilité 244—249 Konstantinovitch periculum 124 n 3 (125)

D locati conducti 19, 2

33 [aedificandam] Lotmar Arbeitsvertrag 2, 933 n 4 Haymann (?) l c 65. 159 ca Seckel-Levy SZ 47 (1927) 224 n 3
[teneberis] ⟨tenearis⟩ Haymann l c 64 ⟨tenereris⟩ Bes 3, 47 Arangio-Ruiz responsabilità contratt 201 n 1
[nam et si vendideris — cogeris] Huvelin RH 3 (1924) 322—327 Ch Appleton (?) RH 5 (1926) 402—406. 404 n 1 ca Seckel-Levy l c 219 sqq
[tenearis] ⟨teneris⟩ Bes l c
[quod — tradi] Costa locaz 38 *genuin* Seckel-Levy l c 220 n 4
[quod — verum erit] ut ⟨non solum⟩; [non ut] ⟨sed⟩; [similiter — nam] Bes l c
[et circa conductionem] gl; [nec ultra — cogeris] Levy l c 220 n 5. 221 n 2
[cogeris] ⟨cogaris⟩ Haymann l c 64
[nam et si colonus — *fin*] Mitteis (?) Mél Girard 2, 232 Seckel-Levy l c 221 n 3 cf Haymann l c 64 n 1
[a te aut]; faciat ⟨non⟩ Bes l c cf Pringsheim Festschr Lenel 237
[. . . tantum — continebitur] (?) Guarneri Citati misc eseg 1, 68 n 3
[in quo — continebitur] Grünwald Heidelb Diss 1912 p 38
[sin vero — *fin*] Lusignani sec Schulz Krit Viert 50 (1912) 47 sq Bes 3, 47. 92 Rotondi Scr giur 3, 137 n 2 Huvelin l c ca Schulz l c Ch Appleton l c

35 pr [pr] Bes 3, 47; 4, 210
[*pp* pr] Pringsheim Festschr Lenel 214 n 7. 228
[distinctio] (?) Albertario Stud Pavia 5 (1919) 87 n 4
[quid enim — *fin*] Last Jher Jb 62 (1913) 95 sq Costa (?) locaz 37
[et bona — contraxerit] Pernice Labeo 2, 1^2, 159 n 1

§ 1 [certo pretio] Cuiac ad Afric tract 8 adhl
[actio] Gradenwitz sec Kr
[deinde ita — damnum] Biondi iud b f 39 n 1; a^{nes} noxales 114 n 3
[cum eo — perematur] Alibrandi Opp 1, 180 sq sec Savigny Kr sec Eisele Huvelin furtum 1, 544 n 1 VJR (?) 5, 2, 384, 31 ca Levy Konk 2, 1, 143 sqq

36 [*pp* 36] Haymann SZ 40 (1919) 201 n 2; 41 (1920) 100 n 2. 161 sqq Boyer recherches 177 n 16 Seckel-Levy SZ 47 (1927) 223 n 6 cf Ch Appleton RH 6 (1927) 224 n 4 Arangio-Ruiz responsabilità contratt 201 n 1
[donec] Guarneri Citati obbl indivis 1, 235 n 2

D locati conducti 19, 2

36 [si tamen — *fin*] Kr Nov Suppl
[nisi si — actum sit] De Medio Bull 20 (1908) 187
[nisi si — *fin*] Bes 4, 137 Guarneri Citati Bull 33 (1923) 219 n Seckel-Levy l c

37 [*pp* si tale — *fin*] Haymann SZ 41 (1920) 160. 163 cf Arangio-Ruiz responsabilità contratt 201 n 1
[tale] Guarneri Citati obbl indivis 1, 50 n 1

40 [periculum custodiae] ⟨custodiam⟩ (?) Arangio-Ruiz responsabilità contratt 111. cf 109

41 [*pp* 41] Kunkel SZ 45 (1925) 270 n 2 Lenel EP^3 75 (§ 13)
[qua enim — dedit] Haymann SZ 40 (1919) 194 sqq
[qua enim — possit] Vážný Ann Pal 12 (1926) 107. 109. 112. 114 *genuin* Schulz Krit Viert 50 (1912) 68. 88
[interdum — *fin*] Schulz Einf 47 Kr Suppl
[interdum — dedit] Schulz Grünh Z 38 (1911) 36 sq
[esse] Kr Fadda Dig Mil ⟨agi⟩ Ferrini Arch giur 53 (1894) 280 n 1 Arangio-Ruiz responsabilità contratt 176 n 1

43 [idque — *fin*] Beseler SZ 44 (1924) 369
[alterutra — idque] ⟨sed ita ut actor, cum ex locato agat, actionem legis Aquiliae remittat⟩; [apud — *fin*] Kann Klagenmehrheit 36 ca Peters SZ 32 (1911) 296 n 1 Biondi iud b f 238 n 3 Levy Konk 2, 1, 45 sqq

44 inscr [septimo] ⟨septimo decimo⟩ Lenel 602; EP^3 80 n 5 (§ 17—24). 191 n 8 (§ 73)

45 § 1 [*pp* § 1] kann Klagenmehrheit 69 sqq Albertario Arch giur 89 (1923) 257 n 1; Riv dir comm 21, 1 (1923) 500 n 3 cf Biondi iud b f 103 et n 1 Levy Konk 2, 1, 75 n 4
[dubitari — *fin*] Albertario delictum 60
[quasi — conduxisti] Haymann Haftg 120 n 2 Heldrich Verschulden 22
[et in — delictum] Bes 3, 43 Heldrich l c
[quod magis est] ⟨— ? —⟩ Biondi a^{nes} noxales 125

46 [quia — *fin*] VJR (?) 3, 1, 198, 5 Bes 3, 20. 129 Partsch SZ 42 (1921) 263

47 [47] Faber rat adhl
[*pp* 47] Eisele Arch z Pr 77 (1891) 458 n 75 Binder Korrealobl 285 n 19 Ferrini obbl 480 Levy spons 126 n 2 Segrè (?) lez dir rom (1921/22) 314 n *genuin* Girard manuel^7 785 n 3 Pe-

D locati conducti 19, 2

47 rozzi Ist[1] 2, 104 n 2. 108 n Schulz SZ 27 (1906) 101. 147
[emptorem conductoremve] ⟨emptorum conductorumve⟩ Lenel 73
[emptorem conductoremve]; singuli ⟨emptorum conductorumve⟩ Scialoja Dig Mil
[emptorem conductoremve] ⟨emptoribus conductoribusve⟩; [vendentem vel locantem] ⟨vendidisse vel locasse aliquem⟩ Kerr Wylie Solidarity 304. 314
[ita — *fin*] Kr (?) Bes 3, 86. 186 ⟨liberum erit actori quem velit in solidum convenire *vel sim*⟩ Bonfante lez obbl (1911/12) 159. 164. 166 n 3. n 8
[$\overline{pp}$ ita — *fin*] Eisele l c VJR (?) 5, 2, 568, 39 Levy Konk 1, 217
[ita — erunt] Betti eff estint 16
[ita — solvendo] Guarneri Citati obbl indivis 1, 9 n 1 Arnò Riv dir comm 22, 1 (1924) 133
[ita — sit] Riccobono Mél Fitting 2, 481 Bortolucci Bull 17 (1905) 314 sqq
[ita — fortasse]; [sit etiam] ⟨est⟩ Collinet Et hist 1, 141 n 3
[singuli — compellendi] ⟨est compellendus⟩; [esse omnes solvendo] ⟨illum qui solus ex empto conductove agat, in totum pretium satisfacere paratum esse⟩; [fortasse — etiam, si]; [electionem — actori, si] ⟨dummodo⟩ Kerr Wylie l c

48 § 1 [non immobilem] Thibaut Syst § 1165 n 2 Bertolini giuram 240 Bonfante Ist[8] 239 n 2; corso 2, 1, 186 n 1 ⟨certam (?)⟩ Betti lit aest 17

49 pr [ἢ κουράτορες] Solazzi Min età 43 Kr Nov Suppl ca Lenel SZ 35 (1914) 144

§ 1 [ἢ κουρατορίας] Solazzi l c

51 pr [et cum — colebat]; [tamen] Bes 3, 62
[id est — *fin*] T *aut* gl Eisele SZ 11 (1890) 9 gl Kr

§ 1 [si modo — *fin*] (?) Eisele SZ 10 (1889) 312 Kr
[consummationis] Seckel (?) s v universitas 5 Levy SZ 37 (1916) 69 n 5
[nisi si — *fin*] Seckel s v nisi (368) VJR (?) 4, 1, 131, 20. 157, 48; 5, 2, 441, 43 Albertario Ann Perug 31 (1919) 25 n 2 (estr)

54 inscr [quinto] ⟨sexto⟩ (?) Lenel 1485

pr [vel ita — *fin*] Levy spons 152 n Bes 2, 110 Kr (?) Suppl

§ 1 conductor [Titio] Bonfante Dig Mil
[Titio locatori praestare vellet] Mommsen Dig gl Lenel 1485 Last Jher Jb 62 (1913) 97
[biennii] Ferrini obbl 602
[quamvis — et ideo]; [petere — coeperit] ⟨peteret⟩ Beseler SZ 45 (1925) 467

55 pr [$\overline{pp}$ pr] Paris responsabilité 104
[nisi — recepit] Seckel-Kübler iur anteiust Paul Sent 2, 18, 3 Haymann SZ 40 (1919) 210 Vážný Ann Pal 12 (1926) 133 sq gl Arangio-Ruiz responsabilità contratt 126 sqq. 128 n 1

§ 1 [$\overline{pp}$ § 1] Biondi iud b f 140
conductor ⟨necessarias impensas fecerit veluti si aedificium refecerit ad recipienda ea quae impendit ex conducto cum domino fundi experiri potest. quod si⟩; [necessario vel]; utiliter ⟨in fundo⟩; convenisset ⟨eo nomine agere⟩; [ad — conducto]; [fundi — *fin*] ⟨non poterit⟩, Riccobono Ann Pal 3/4 (1917) 323 sqq. 343. 448 n 3
[vel utiliter] (?) Seckel-Kübler iur anteiust Paul Sent 2, 18, 4 Kr Suppl

§ 2 [sine — causa] Bes 1, 5
[quatenus — *fin*] Eisele SZ 11 (1890) 21 Kr Bes 2, 114 Seckel-Kübler iur anteiust Paul Sent 2, 18, 5 Bonfante Ist[8] 473 n 2 VJR (?) 5, 2, 384, 22
fin ⟨—⟩ Mommsen Dig Riccobono Mél Fitting 2, 479 Mitteis SZ 34 (1913) 406

56 [nec — exsolventibus]; [a — interest] Eisele SZ 18 (1897) 22 Kr
[tempus — *fin*] Eisele l c Ferrini Pand 703 n 1 Kr Bes 2, 152
[biennii] Ferrini obbl 602

57 inscr [nono] ⟨quarto *aut* tertio⟩ Bluhme Ordnung 323 n 45. 429

57 [amplius] ⟨iuxta⟩ Mommsen Dig ⟨apud⟩ Scialoja Dig Mil ca Lenel et Rabel Rhein Z 1 (1909) 211
[umore praestituto] gl Pernice Sachbesch 176
[praestituto] ⟨perstillato⟩ Lenel et Rabel l c

59 [$\overline{pp}$ 59] Haymann SZ 41 (1920) 159. 161. 163 Boyer recherches 177 n 16
[terrae motu]; aedificium ⟨—⟩ Arangio-Ruiz responsabilità contratt 199 sq
[veluti — motu] Kr
[veluti] Guarneri Citati obbl indivis 1, 51 n

60 pr [adéo — *fin*] Perozzi Ist[1] 2, 234 n 2
[nisi — *fin*] Bremer iurispr antehadr 2, 1, 214; 2, 2, 430 Eisele SZ 10 (1889) 312 Pernice Labeo 2, 2, 1, 253 n 1 VJR (?) 1, 827, 18; 4, 1, 152, 31; 5,

D locati conducti 19, 2

60 pr 2, 441, 42 Seckel s v nisi (368) Kr Haymann Haftg 136 Partsch SZ 33 (1912) 613 Siber in Plancks Kommentar zum Bürgerlichen Gesetzbuch 2, 1[4], 92 (§ 251 n 2 b α) Albertario Riv dir comm 20, 1 (1922) 684 n 4

§ 2 [pp § 2] Biondi iud b f 235 n 3
[sed iudicem — *fin*] Faber coni 11, 11 Gradenwitz Itpp 29. 36 Eisele SZ 11 (1890) 21 H Appleton int 10 n 6. 117 Pacchioni Glück ital 13, 14 n h VJR (?) 1, 122, 48. 839, 45. 872, 9. 933, 21; 3, 1, 200, 24 Seckel s v iudex 3 a Schulz SZ 27 (1906) 104 n 3; 32 (1911) 60 sq Kr PKrüger Quellen[2] 376 n 53 Bes 3, 186 Huvelin furtum 1, 554 sq Haymann SZ 40 (1919) 308 n 3 Paris responsabilité 73 sq Vážný Ann Pal 12 (1926) 118. 120
'fullonem — *fin*' *genuin* Levy SZ 42 (1921) 501 n 4

§ 4 impensam ⟨te⟩ Mommsen Dig
[excutere] Scialoja Dig Mil

§ 5 cf PKrüger Quellen[2] 178 n 147
[inspiciente] ⟨insciente⟩ Cuiac sec Mommsen Dig ⟨in spicis cessante⟩ Mommsen Dig ⟨in spicis, insciente⟩ Ferrini Dig Mil
[condicere — frumentum] ⟨tenere te furti (?)⟩ v Mayr Cond 83 sqq
[et ut — *fin*] Pampaloni Stud Sen 10 (1893) 91 (ca Schulz SZ 32 (1911) 68 n 1) Haymann SZ 40 (1919) 244 sq Paris responsabilité 175 sq

§ 6 [pp § 6] Riezler Venire contra factum proprium 119
horrei propositum ⟨non⟩ Brenkmann SZ 32 (1911) 375
ac si ⟨propositum non habuisset, quoniam quod⟩ Mommsen Dig Bremer iurispr antehadr 2, 1, 214; 2, 2, 430 ⟨nihil propositum fuisset. nam cum inferente te has res non contradixit, id quod⟩ Ferrini Dig Mil

§ 7 pp *genuin* Levy Konk 2, 1, 75 n 4
[si ipse — *fin*] Albertario contr crit 19
[pp si ipse — *fin*] Kunkel SZ 45 (1925) 329
[si ipse — locassem] (?) Schulz Grünh Z 38 (1911) 51 ⟨Labeo ait⟩ Beseler SZ 45 (1925) 440
[et culpam meam]; [quod si — *fin*] Haymann Haftg 52 n 2. 58 n 1. 59. 72 n 1. 98. 120. 136 Kr Suppl Heldrich Verschulden 23 Arangio-Ruiz Ist[2] 352 n 1
[quod si] Guarneri Citati obbl indivis 1, 38 n 3

D locati conducti 19, 2

60 § 7 [dedissem] ⟨dedi⟩; [aio] ⟨ait⟩; [elegissem] ⟨elegi⟩ Beseler l c

§ 9 [nisi — *fin*] Bremer iurispr antehadr 2, 1, 215; 2, 2, 430 Eisele SZ 13 (1892) 152 Seckel s v nisi (368) Kr VJR (?) 4, 1, 155, 39; 5, 2, 441, 42 Arangio-Ruiz responsabilità contratt 125 n 1

61 pr [pp pr] Biondi iud b f 11 et n 1. 141 n 2
[et — coeperat] Riccobono Ann Pal 3/4 (1917) 326 sqq
[aureis] Kr
[opposita — exceptione] Pernice Labeo 2, 1[2], 235 n 2 Kr (?) Ferrini obbl 809 sq Biondi l c 11 ⟨colonus (?)⟩ Riccobono l c 326 sqq. 605 n 1
[vel expensas — *fin*] ⟨non posse⟩ Riccobono l c Kr Nov Suppl
[expensas] (?) Gradenwitz Itpp 195 ⟨impenas⟩ H Appleton int 103 sq

62 [immo — *fin*] Haymann SZ 40 (1919) 191 sq Boyer recherches 177 n 16 *genuin* Arangio-Ruiz responsabilità contratt 199. 201

D de aestimatoria 19, 3

1 pr [pr] Bes 2, 161; 4, 135 Lenel EP[3] 301 (§ 112 (110)) ca Rabel Grundz 470 n 1
[pp pr] Bonfante Ist[8] 110 n 3. 484 n 1 Albertario Ann Perug 31 (1919) 16 n 1 (estr) Buckland text-book 521 n 13; Mél Cornil 1, 140 sqq Jörs röm Priv R 169 n 3 cf Pernice SZ 9 (1888) 256 n 5
[proponitur] ⟨proposita est⟩ Betti Bull 28 (1915) 32
[tollendae — dubitatum] Pringsheim Festschr Lenel 214
[magis] ⟨antiquitus⟩ Naber Mnem 22 (1894) 69
'Actio — proponi' *genuin* Meylan a° praescr verb 101 sq
[quotiens — *fin*] Naber l c Arangio-Ruiz Stud Cagliari 4, 2 (1912) 94 De Francisci Synall 1, 13. 26. 86—95; 2, 446. 515
[quotiens — fide] Lenel 953; EP[2] 291 Kniep praescr u pact 71 sqq Dernburg Pand[7] 2, 330 n 3 VJR (?) 1, 999, 15. 1019, 33; 4, 1, 176, 28 Kr Riccobono Ann Pal 3/4 (1917) 646 n 2
[quotiens — verbis actionem] Perozzi Stud Schupfer 1, 172; obbl 49 Cogliolo storia del dir priv rom 229 sqq
[quotiens] ⟨cum⟩; [alicuius]; [aliquam] (?) Karlowa Rechtsgeschäft 253

D de aestimatoria 19, 3

1 pr [dandam — fide] Gradenwitz Itpp 109
[dandam — actionem] ⟨talem actionem praescriptis verbis dandam⟩ Meylan l c 162
dandam ⟨praescriptis verbis actionem: hic ergo dandam⟩ Pernice Ulpian als Schriftsteller 451 (S Ber Berl 1886)
[aestimatoriam] Kniep praescr 71 ca Vangerow Pand [7] 3, 235
[est enim — *fin*] Karlowa l c Meylan l c 181
[est enim — gestum] Pringsheim SZ 42 (1921) 279

§ 1 cf De Francisci Synall 1, 102 n 1

2 inscr trigesimo ⟨quarto⟩ Lenel 522; EP [3] 300 n 7 (§ 112 (110)) Kr

D de rerum permutatione 19, 4

1 inscr [secundo] ⟨tertio⟩ Lenel 502; EP [3] 299 n 3 (§ 110 (111)). 300 n 5 (§ 112 (110)) Kr

pr [$\overline{pp}$ pr] π De Francisci Synall 1, 130; 2, 234. 525 cf Rabel Haft 111

§ 1 [§ 1] Gradenwitz Itpp 135 De Francisci l c 1, 130 sqq; 2, 235. 525 cf Bonfante Ist [8] 484 n 1
Unde ⟨cum alia re accepta aliam rem dedi⟩ (?); [vel dederim] (?); actionem ⟨a nonnullis⟩ Bes 2, 161
[respondetur] ⟨Iulianus respondit⟩ Pernice SZ 9 (1888) 255 n 4 De Francisci l c 1, 133 Partsch SZ 35 (1914) 338 Betti (?) Bull 28 (1915) 26 n 3

§ 2 [§ 2] Perozzi Stud Schupfer 1, 170 sqq. 188; obbl 128 n De Francisci Synall 2, 321 n 3. 515. 525
[$\overline{pp}$ § 2] Bonfante Ist [8] 391 n 1 Stoll SZ 44 (1924) 8 n 1
[alioquin — *fin*] Kr VJR (?) 4, 1, 175, 3. 259, 37. 304, 36

§ 4 [$\overline{pp}$ § 4] Boyer recherches 193
[$\overline{pp}$ § 4] ⟨Igitur ex altera parte traditione facta, si alter rem nolit tradere, condictioni locus est, quasi re non secuta⟩ Naber Mnem 22 (1894) 83 sqq
§ 4 *genuin*; 'ut res — in id' *del* Ch Appleton NRH 30 (1906) 773 et n 3
[non — convenit] Bonfante Ist [8] 486 n 1
[non — contra nobis reddatur] De Francisci Synall 1, 133 sqq. 140. 141; 2, 525; cf SZ 47 (1927) 551
[in hoc]; [ut res — reddatur sed] Bes 2, 161
[sed ut — *fin*] Haymann Schenkg 130; SZ 41 (1920) 169 et n 2 Kr VJR (?) 4, 1, 269, 26; 5, 2, 368, 45 Schulz

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Festschr Zitelmann 8 n 4 Betti Bull 28 (1915) 26 Pringsheim Festschr Lenel 228 n 2

D de praescriptis verbis et in factum actionibus 19, 5

1 pr [pr] Perozzi obbl 49 n; Ist [1] 2, 63 n 1 ca Naber Mnem 22 (1894) 78 Betti Bull 28 (1915) 22
[$\overline{pp}$ pr] De Francisci Synall 1, 180. 287 et n 2. 338—341
[Non numquam — appellantur] Biondi iud b f 50 n 2. 109 n 1
[cessantibus — proditis] (?) Segrè Stud Moriani 2, 295 n 1 cf Riccobono SZ 34 (1913) 243 n 4
[et vulgaribus] ⟨eis⟩ actionibus ⟨opus sit⟩; [cum — eas] Bes 2, 96 cf Rabel Grundz 407 n 3
[cum — appellantur] Riccobono Ann Pal 3/4 (1917) 645
[cum — possumus] De Francisci l c 1, 341; 2, 239. 515
[facile descendemus] (?) Kr Suppl cf De Francisci l c 1, 341
[quae — appellantur] (?) De Francisci l c 2, 166
[sed — *fin*] Pernice SZ 9 (1888) 253 Audibert Mél Fitting 1, 52 sq De Francisci l c 1, 340. 341

§ 1 [$\overline{pp}$ § 1] Pernice l c De Francisci l c 1, 341
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[civilem — in factum] De Francisci l c 2, 62; cf 1, 179 sq
[in factum] Kniep praescr 77 Audibert l c Bonfante (?) Ist [8] 484 n 1 Valeri Riv dir comm 18, 1 (1920) 482 n 3 Arnò Mem Mod 14 (1922) 450 ca Pokrowsky l c ⟨incerti (?)⟩ Seckel s v factum 2 c

§ 2 [$\overline{pp}$ § 2] Pernice l c Rotondi Scr giur 2, 60 n 3
[in factum civilis] De Francisci l c 2, 62; 1, 179. 287
[in factum] Kniep praescr 77 Seckel s v factum 2 c Audibert l c 1, 56. 57 n 1 Bonfante (?) Ist [8] 484 n 1
[civilis] Appleton l c Pokrowsky l c 91 Costa Pap 4, 59 Kr Betti l c

D de praescriptis verbis 19, 5

2 [2] De Francisci Synall 1, 92 n 1. 121 n 1. 341 sq
[praescriptis verbis] ⟨in factum⟩ Gradenwitz Itpp 127 Lenel SZ 9 (1888) 181 Bes 2, 161 ca Cogliolo Arch giur 41 (1888) 199 Lenel EP [2] 292 n 1; cf EP [3] 301 sq (§ 112 (110)) Pokrowsky SZ 16 (1895) 91 cf Pernice SZ 9 (1888) 254 sq Stella Maranca Celso 61 Riccobono Ann Pal 3/4 (1917) 645 et n 3

3 [3] De Francisci Synall 1, 5 n 1. 342 sq; 2, 359

4 [4] Pringsheim SZ 42 (1921) 280 cf De Francisci l c 343

5 [5] Perozzi obbl 128 n

pr [$\overline{pp}$ pr] Gradenwitz Itpp 127. 131 Pernice SZ 9 (1888) 253. 254 et n 1 Bonfante Ist [8] 484 n 1 Haymann SZ 41 (1920) 79 n 2
[in hac — *fin*] π Bes 2, 161 De Francisci Synall 1, 136 sqq
[qui — *fin*] Lenel SZ 9 (1888) 181; Paul 1322 Ferrini Pand 675 VJR (?) 1, 848, 12; 2, 1, 320, 4; 4, 1, 21, 34 Kr Longo Mél Girard 2, 116 De Visscher condictio 107 Jörs röm Priv R 169

§ 1 [§ 1] π Perozzi Ist [1] 2, 218 n 1 Bes 2, 161 De Francisci Synall 1, 134. 136 sqq. 140 n 1
[$\overline{pp}$ § 1] Gradenwitz Itpp 132 Pernice SZ 9 (1888) 253. 254 n 1; Labeo 3, 1, 304 Rabel Haftg 124 n 1. 128 n 3 Ferrini obbl 644; Pand 675 Cuq inst 2, 402 n 3 Bonfante Ist [8] 484 n 1 Ch Appleton NRH 30 (1906) 774 n 1 Pringsheim Festschr Lenel 228 n 2 Boyer recherches 183 n 5 Seckel-Levy SZ 47 (1927) 132 et n 1 Arangio-Ruiz Ist [2] 318 n 1
[Et si — veniet] Haymann SZ 41 (1920) 168 sq
emptionem esse ⟨si in huius modi contractum res deducta non sit⟩; [obligationem] ⟨actionem⟩; [actione] Betti Bull 28 (1915) 26
[vel si — *fin*] Haymann l c
[vel si — secuta] Kr Betti l c VJR (?) 5, 2, 368, 45
[vel si — datum est] Haymann Schenkg 130 n
[sed — debes] Ferrini l l c c HKrüger (?) Grünh Z 22 (1895) 323
[meo] ⟨tuo⟩; [ac] ⟨nec⟩; [dumtaxat culpam] ⟨custodiam dumtaxat⟩ Seckel s v custodia 1 a ca Seckel-Levy l c

D de praescriptis verbis 19, 5

5 **§ 1** [explicitus — *fin*] Lenel SZ 9 (1888) 181; Paul 1322 VJR (?) 2, 1, 320, 6 Kr Longo Mél Girard 2, 116 Bes 3, 35

§ 2 [§ 2] π Bes 2, 161 sq De Francisci Synall 1, 137 sq. 168—172. 192 sq
[$\overline{pp}$ § 2] Gradenwitz Itpp 133. 157 Pernice SZ 9 (1888) 242 n 2. 253. 254 n 1 Ferrini Rend Lomb 26 (1893) 199; Pand 675. 699 n 3 Naber Mnem 22 (1894) 88 Haymann Schenkg 131 n; Freilassg 40 Schloßmann SZ 29 (1908) 317 n 1 Audibert Mél Fitting 1, 50 sq Rotondi Scr giur 3, 482 Bonfante Ist [8] 484 n 1 Boyer recherches 195
At [cum] ⟨si pecuniam⟩; [pecunia data] Longo Mél Girard 2, 114 sqq
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[vel civilis — interest] gl De Francisci l c 1, 171 sq
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'nascetur — condictio' *genuin* Pernice Labeo 3, 1, 209 n 1
[cum — servo] Haymann Freilassg 40. 46 n 1
[potuerit debueritque] Bes 3, 143
[vel praescriptis — convenit] Bes 2, 162
[vel praescriptis verbis agi] De Francisci l c 1, 171 sq. 193. 194
[quod his — convenit] (?) HKrüger Grünh Z 22 (1895) 323
[civilem] Cuiac ad tit de pactis l 7 ad conventiones (1, 924 D); in lib 5 quaest Pauli adhl (5, 1012 D); ad titul 5 D 19 adhl (7, 830 D); repetita praelectio (7, 840 E) ad tit 14 D 2 l 7 ad a praetore dandam (10, 389 C) sec Duarenum Wissenbach embl 45 Pernice Krit Viert 10 (1868) 91 Lenel SZ 9 (1888) 181; Paul 1322 Kniep praescr u pact 75 Naber Mnem 22 (1894) 80 Pokrowsky SZ 16 (1895) 81 Seckel s v factum 2 c Bes 2, 162 Bonfante l c De Francisci l c 1, 110 n 2. 130. 169 sq. 193. 199; 2, 62 sq Binding (?) Normen [2] 2, 2, 671 n 5 Betti Bull 28 (1915) 38 Riccobono Ann Pal 3/4 (1917) 642 et n 3 Arnò Mem Mod 14 (1922) 450

§ 3 [§ 3] Litten Festg Güterbock 275 sq π Bes 2, 162 sq De Francisci Synall 1, 137 sq. 193. 203—207 ca Mitteis RPR 1, 319 n 15
[$\overline{pp}$ § 3] Gradenwitz Itpp 133 Pernice SZ 9 (1888) 254 n 1 Ferrini Pand 675 Seckel s v cessare 3 Bonfante Ist [8] 484 n 1 Boyer recherches 190 ca Riezler Venire contra factum proprium 39

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5 § 3 [et ideo — *fin*] Biondi actt arbb 104 Pringsheim SZ 41 (1920) 255 n 4. 257 n 9

§ 4 [§ 4] Rotondi Scr giur 2, 253 Monnier-Platon NRH 37 (1913) 625 n 3 Bes (?) 3, 150 Pringsheim SZ 41 (1920) 252 n 2
[§ 4] π; T^um^ nonnulla delevisse putat De Francisci Synall 1, 137. 193. 227 sqq 232—236
[pp § 4] Gradenwitz Itpp 133 sq Pernice Labeo 2, 2, 1, 191 n 2; SZ 9 (1888) 254 n 1. 258 n 4 Ferrini Pand 675 Haymann Schenkg 130 n; Freilassg 58 n 1 Seckel (?) s v tractatus 2 Bonfante Ist[8] 484 n 1
[vel ut — speciem] Albertario contr crit 19 Kr (?) Suppl
ego ⟨exegi vel⟩ Huschke ZfZ u Pr 5 (1848) 109 sqq
[et potest — decem] Albertario l c Kr (?) Suppl
[et potest — excedere] Naber Mnem 34 (1906) 61
[et potest — excedere]. Segrè Bull 19 (1907) 212. 226 n 1
[nulla dubitatio est] Pringsheim Festschr Lenel 214
[fecit] ⟨aedificavit⟩; plura excidisse putat Ferrini Dig Mil .
[sin autem — *fin*] Albertario l c
fecit ⟨quod se aedificaturum recepit, alter non fecit, item aedificare cogetur qui non fecit⟩ Mommsen Dig
'quasi' *genuin* Schilling animadv crit 4, 9 Huschke l c
[sed tutius — *fin*] Gradenwitz Itpp 233. cf 133 Alibrandi Opp 1, 176. 157 Lenel SZ 9 (1888) 181; Paul 1322 VJR (?) 1, 640, 42; 5, 2, 546, 22 Audibert Mél Gérardin 34 n 2 Kr Bes 2, 163 De Francisci l c 1, 187. 230. 236 Betti Bull 28 (1915) 25 n 2
[— insulis —] Albertario poss superfic 24

§ 5 [pp § 5] Gradenwitz Itpp 134 Pernice SZ 9 (1888) 254 n 1 Haymann Schenkg 130 n Ferrini Pand 675 Marchi Bull 16 (1904) 275 n 6 Bonfante Ist[8] 484 n 1 De Francisci Synall 1, 236 sqq
[si — convenit] Lenel SZ 9 (1888) 181; Paul 1322 Kr Bes 2, 163
[an deducendum — *fin*] gl (?) De Francisci l c 238 n 3

6 [pp 6] Pernice Labeo 3, 1, 17 *genuin* Bonfante Ist[8] 484 n 1

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6 [sed — *fin*] Perozzi Ist[1] 2, 281 n 1 (283) Bes 2, 163 De Francisci Synall 1, 78. 175 sq. 239
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7 l 7 *genuin* Bonfante Ist[8] 484 n 1
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agam ⟨incerti⟩ Betti Bull 28 (1915) 26
[praescriptis verbis] ⟨civiliter⟩ Betti l c 34
[aut — *fin*] Betti l c 35. cf n 1

8 [pp 8] Bonfante Ist[8] 484 n 1. 485 n 1 De Francisci Synall 1, 212. 302 sqq; 2, 446
[eo nomine — sed] Bes (?) 2, 163 Pringsheim SZ 41 (1920) 252 n 2
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[licet — oportere] Pernice l c Kr Albertario Ann Perug 31 (1919) 16 n 1 (estr)
[tametsi — *fin*] Perozzi Ist[1] 2, 281 n 1 (283) Bes l c Pringsheim l c Guarneri Citati Bull 33 (1923) 219 n ca Kerr Wylie Solidarity 271 n 2
[tametsi — fuisset]; [tamen] Pernice l c
[praescriptis verbis] Betti Bull 28 (1915) 35
[nec — *fin*] Pernice l c Perozzi Stud Schupfer 1, 184 sq De Francisci l c 1, 211. 264 Kr (?) Suppl
[nec — intervenisse] Pringsheim SZ 42 (1921) 279 n 5

9 *genuin* Bonfante Ist[8] 484 n 1
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[incerti — *fin*] Bes l c De Francisci l c
[incerti] ⟨incerta⟩ (?) Trampedach SZ 17 (1896) 149 n 1
[itaque — *fin*] Schifordeger 2, 60

10 cf Bonfante Ist[8] 484 n 1
[distracta] Solazzi Stud Simoncelli 416 n 2
'in factum — *fin*' *genuin* (?) De Francisci Synall 2, 151

11 [pp 11] Di Marzo Pompon 120 Rotondi Scr giur 2, 451 n 2 De Francisci Synall 1, 339; 2, 87. 167 *genuin* Erman SZ 19 (1898) 298
[Quia — sed et] Erman SZ 23 (1902) 446
[Quia — desiderantur] De Francisci l c 2, 50 n; cf 1, 339 Biondi iud b f 50 n 2
[plerumque] Kr
[quod facit — *fin*] De Medio Stud Scialoja 1, 49 n 1

12 cf Bonfante Ist[8] 484 n 1

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12 [idque — *fin*] Bes 2, 164 De Francisci Synall 1, 282 Kr Suppl

13 pr cf Bonfante Ist[8] 484 n 1
[placet] ⟨ille recte scripsit⟩ Bes 4, 134
[sed — gesto] Naber Mnem 22 (1894) 76 n 1 Audibert Mél Fitting 1, 45 n 3 ca Meylan a° praescr verb 131
[quasi — gesto] Bes 2, 160 De Francisci Synall 1, 94—97. 219. 220 n 1 ⟨agendum esse⟩ Bes 4, 134 Pringsheim SZ 42 (1921) 279

§ 1 [id est — verbis] gl Pernice Krit Viert 10 (1868) 91 Cugia tirocin industr 54 T Gradenwitz Itpp 125 Pernice SZ 9 (1888) 254 n 1. 255 n 4 Lenel 2747 Eisele SZ 11 (1890) 9 Kniep praescr u pact 77 Naber Mnem 22 (1894) 74. 76 H Appleton int 36 Ferrini Pand 678 n 1 Kr Audibert Mél Gérardin 40; Mél Fitting 1, 52 De Francisci Synall 1, 177 sqq; 2, 63 Betti Bull 28 (1915) 38 Arnò Mem Mod 14 (1922) 450 Bonfante Ist[8] 484 n 1
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14 pr [$\overline{pp}$ pr] De Francisci Synall 1, 334; 2, 87
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§ 1 [$\overline{pp}$ § 1] Naber Mnem 53 (1925) 20 n 7
[in factum] (?) De Francisci Synall 1, 335 sq
[criminali — *fin*] Lenel 2867 Eisele SZ 18 (1897) 23 Ferrini dir pen 229 sq. 239 n 1 VJR 1, 1071, 12; 5, 2, 383, 18 Kr De Francisci l c

§ 2 [non lucri faciendi] Albertario Pubbl Sacro cuore 1, 2, 8 n 1; Bull 33 (1923) 262 Huvelin NRH 42 (1918) 84
[septimo] ⟨octavo⟩ Lenel 2867

§ 3 [neque de damni iniuriae] Collinet NRH 33 (1909) 191 n 3
[in factum — *fin*] Rotondi Scr giur 2, 456 sqq. 474 De Francisci Synall 2, 86; cf 1, 337 sq Taubenschlag Priv R z Z Diokletians 270 n 3 ca Bremer iurispr antehadr 2, 2, 394

15 [15] Perozzi Stud Schupfer 1, 184 sq
[$\overline{pp}$ § 15] (?) Ricci Bull 5 (1892) 19
[quae — fures] Pampaloni Stud Sen 16 (1899) 214 n 7 Bes 2, 164
[nec videtur — condictionem]; [ob — hoc est] Bes l c

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15 [hoc est — daretur] gl (?) De Medio fallac crit 7
[et quidem — *fin*] Bes 2, 164; 3, 132; 4, 234 De Francisci Synall 1, 96. 209 — 215. 264. 306
[et quidem — potest] Perozzi obbl 128 n; Ist[1] 2, 281 n 1 (283)
[conventio — nuda]; [habet — aliquod] Pringsheim SZ 42 (1921) 279 n 5
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[id — *fin*] De Medio l c
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[nisi si — *fin*] Pernice Labeo 2, 1, 217 n 3 Mitteis RPR 319 n 18 Litten Festg Güterbock 1910, 275 Kr VJR (?) 3, 1, 178, 35; 4, 1, 158, 48; 5, 2, 442, 2 Biondi actt arbb 104 Albertario Ann Perug 31 (1919) 16 n 1 (estr) Betti l c Pringsheim SZ 41 (1920) 255 n 4

16 pr [sed — competere] Haymann Schenkg 40 n Kr Mitteis (?) RPR 202 n 32. 319 De Francisci Synall 1, 255 sqq ca Last Jher Jb 62 (1913) 102. 107 n 5 Bonfante Ist[8] 484 n 1 Biondi actt arbb 104 n 3

§ 1 § 1 *genuin* Bonfante l c De Francisci l c 207 sq
[sed — *fin*] Pringsheim SZ 41 (1920) 255 n 4. 257 n 9 ca Riezler Venire contra factum proprium 32

17 pr [praescriptis verbis] ⟨in factum⟩ Bes 2, 164
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§ 1 [$\overline{pp}$ § 1] Kübler (?) SZ 38 (1917) 100
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[si neuter — praestes] (?) Kübler l c 100 n 1
[actio — *fin*] Gradenwitz Itpp 135 Lenel 806 Audibert Mél Gérardin 34 n 2 cf Bonfante Ist[8] 484 n 1
[praescriptis verbis] ⟨de aestimato⟩ (?) Betti Bull 28 (1915) 32

§ 2 [§ 2] Bes 3, 157
[$\overline{pp}$ § 2] De Francisci Synall 1, 287 — 292 Haymann SZ 40 (1919) 178.

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17 § 2 201 n 2 Buckland text-book 523 n 3 cf Jörs röm Priv R 122 n 5
[si rem — agere] Gradenwitz Itpp 136 Pernice SZ 9 (1888) 253 n 1 Lenel (?) 806 Audibert Mél Gérardin 34 n 2; Mél Fitting 1, 55 sq Kr Siber Pass Leg 22 n 1. 64 n 4 cf Bonfante Ist[8] 484 n 1
[praescriptis verbis] ⟨in factum⟩ v Pokrowsky SZ 16 (1895) 92 sq Costa Pap 4, 59 Audibert Mél Fitting 1, 56
[ita — nam] (?); [secundum haec] Segrè Stud Fadda 6, 360 n 3
[sive]; [sive — dolum et] Arangio-Ruiz responsabilità contratt 121
[culpam] ⟨custodiam⟩ Schulz Grünh Z 38 (1911) 19 sq Arangio-Ruiz l c
[dico — non] Segrè l c Arangio-Ruiz l c
[periculum non] Pernice (?) Labeo 2, 2, 1, 152 n 1 Schulz l c
[dumtaxat]; [datum est] Arangio-Ruiz l c
[quia — *fin*] Segrè l c *genuin* Arangio-Ruiz l c

§ 3 [praescriptis verbis] ⟨in factum⟩ Bes 2, 165 De Francisci Synall 1, 241 sqq

§ 4 [pp § 4] Seckel-Levy SZ 47 (1927) 249 n 4 Arangio-Ruiz responsabilità contratt 122 n 1
[pp Si — praestaturum] Haymann SZ 40 (1919) 178 n 1. 201 n 2
[pp mox — *fin*] Seckel s v custodia 1 a α (117 b) Bes 3, 157 De Francisci Synall 1, 292
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ED.

HANS LEWALD

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§ 1 [$\overline{pp}$ § 1] Lenel EP[3] 492 (§ 266)
[Si] debitor; [pigneravit — est et] ⟨pigneraverat, postea usu cepit.⟩ Bes 4, 137 cf Lenel l c 492 n 3
[Servianae] ⟨Salviano⟩ Lenel 1632 cf Bachofen Pfandr 1, 17 n 20 Kr Seckel s v Serviana 1 Ebrard form hypoth 66 n 67
[creditor] ⟨locator⟩ (?) Pernice Labeo 2, 1, 436
[et habet rationem] Bes l c

§ 3 restituatur ⟨si quidem culpa⟩ Betti lit aest 1, 59 n 90

D de pignoribus 20, 1

21 § 3 [sed utique — etiam pluris] Bes 1, 66; 3, 191
[et quod — *fin*] Schulz SZ 32 (1911) 58 Kr Suppl

22 [$\overline{pp}$ 22] Rabel Grundz 495 n 4 Riccobono SZ 43 (1922) 381
[$\overline{pp}$ ex postfacto — *fin*] Ferrini Pand 509 n 4
[ex postfacto — sed] Di Marzo nota 3 sq; Arch giur 70 (1903) 531
[ex postfacto] Bonfante Glück ital 29, 1, 470
[directo quidem]; [sed — *fin*] Bonfante l c Kr Suman saggi 12 n 9 Schulz Bonn Festg Zitelmann 125
sed ⟨nec⟩ utilis Huschke Z f Z u Pr 20 (1844) 243. 244 ca Vangerow Pand[7] 1, 836
⟨non⟩ dabitur Di Marzo l c

23 pr [pignoris] ⟨fiduciae⟩ Ubbelohde Realcontr 89 n 151 Fehr (?) Pfandr 122 n 21 (nunc genuinum censet)

§ 1 [$\overline{pp}$ § 1] De Francisci Synall 2, 427 Siber nat obl 35 n 4

25 [$\overline{pp}$ 25] (?) De Francisci Synall 2, 429

26 § 1 [metuiri] ⟨metuitu iri⟩ Ferrini Dig Mil

§ 2 [hoc — hypothecis] Fehr Pfandr 74 Albertario Riv It sc giur 49 (1911) 63 Kr Erman (?) Mél Girard 1, 438 Ebrard form hypoth 63 sq gl Schulz Bonn Festg Zitelmann 133 n 1 ca Manigk RE 9, 375 sq s v hypotheca

27 [solvit — satisfaciebat]; [an aliqua — praetoris] π (?) ⟨puto eum qui servum pignori dederat contrario indicio teneri, ut id quod deest ex pretio servi praestet⟩ Bes 2, 67 cf Pringsheim Kauf 72 n 2 Kr Suppl
[$\overline{pp}$ an aliqua — praetoris] Albertario Ann Perug 31 (1919) 4, 1 p 16 n (estr)
[ubi quidem — exinanierit] Bonfante Glück ital 39, 2, 231 contron r Kr Biondi iud b f 98 n 2
[ubi autem — exinanierit] Bonfante et De Medio Stud Scialoja 1, 41 sq Rotondi Scr giur 2, 457 n 3. 476 De Francisci Synall 2, 87 cf Wlassak Prozeßformel 1, 41 n 1
[fingamus — ceciderat] (?) Biondi l c cf Siber nat obl 73
[non existimo — praetoris] Pernice Labeo 2, 1, 65 De Medio l c

28 [condicionalis] gl; ⟨nomine⟩ relicti (sec Hal) Bes 2, 58

29 § 1 [$\overline{pp}$ § 1] Rabel Grundz 495 n 3
[$\overline{pp}$ Si mancipia — habenda sunt]

D de pignoribus 20, 1

29 § 1 Chlamtacz-Berger SZ 31 (1910) 448 [quoque]; [habenda sunt] ⟨non tenentur⟩ Manigk Gläub 69 n 2
[quod — *fin*] Czyhlarz Eigentumserwerbsarten 1, 418 n 27 Lenel 1481 Eisele SZ 13 (1892) 126 Seckel (?) s v procedere 3 Kr Manigk l c Chlamtacz-Berger l c VJR (?) 3, 1, 142, 38. 212, 45 Pringsheim Kauf 71 n 3 Schulz Bonn Festg Zitelmann 137
[ceterum] Guarneri Citati misc eseg 1, 38 n

§ 2 [pignoris persecutionem — ideo] Beseler SZ 45 (1925) 467
[id est — *fin*] Riccobono Ann Pal 3/4 (1917) 422 Beseler l c Kr Nov Suppl
[id est — pignoris] gl (?) Huschke ZfZ u Pr 20 (1844) 247. 248 Kübler VJR 1, 1099, 29 T Kr
[quatenus — est] Pernice Labeo 2, 1, 390 n 4 Kr Suman saggi 77 n 2

30 [si — *fin*] Kr

31 pr [dominum] ⟨municipes⟩ Pernice SZ 5 (1884) 85 Ferrini obbl 378 Siber (?) Pass Leg 87 n 1 Cuq (?) inst 356 n 11 Kr Suppl cf Mitteis Erbpacht 23 n 1

§ 1 [domini] ⟨municipum⟩; [dominus usus esset] ⟨municipes usi essent⟩ Pernice l c Ferrini l c Cuq (?) l c Siber (?) l c cf Mitteis l c

34 pr [hypothecaria] (?) Fehr Pfandr 60 Albertario Riv It sc giur 49 (1911) 63 ca Erman Mél Girard 1, 437. 439
[hypothecaria actione] Ebrard form hypoth 71

35 [$\overline{pp}$ 35] Herzen SZ 25 (1904) 452 *genuin* Ebrard l c 17 n 70

D in quibus causis pignus vel hypotheca tacite contrahitur 20, 2

rubr [rubr] π Ebrard form hypoth 142

2 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam (?)⟩ Fehr Pfandr 40

2 [2] π Ebrard l c 115. 134

3 [tacitam conventionem] (?) Koschaker Festschr Hanausek 152 n 3

4 pr [quasi — convenerit] Koschaker l c

§ 1 [quod — *fin*] ⟨— ? —⟩ Koschaker l c

5 inscr cf 2 inscr

pr [pr] π Ebrard l c 115. 134

§ 1 [§ 1] π Ebrard l c 98 n 37. 112 n 62. 115. 134. 136 n 31
[videndum] ⟨dicendum⟩ Fadda Dig Mil

§ 2 [§ 2] π Ebrard l c 89 n 19. 90. 134
[$\overline{pp}$ § 2] Albertario Riv It sc giur 49 (1911) 66

D in quibus causis pignus etc 20, 2

5 § 2 [bellissime]; [quodammodo]; [hypothecae] (?) Fehr l c 104
[sane — *fin*] Riccobono SZ 34 (1913) 250 n 1

6 [Licet — convenisset] Koschaker l c
[certe] (?) Guarneri Citati obbl indivis 1, 41 n 2

7 pr [tacite] (?); [etiamsi — *fin*] Koschaker l c

8 ⟨non⟩ gratuita Hotoman Salmasius ca Dernburg Pfandr 2, 75 Vangerow Pand[7] 871
[pigneratae] ⟨fiduciae datae⟩; [ad — legitimum] ⟨usque ad centesimam⟩ Seckel-Kübler Paul Sent 2, 13, 1 b Seckel (?) s v legitimus, pignerare Siber nat obl 62
[legitimum] Kr

9 [manifestari] (?) HAppleton int 111 (?)
[scilicet — liberabimus] (?) Rabel Verfügungsbeschr 89

10 [$\overline{pp}$ 10] Lenel 22; EP[3] 291 n 6 Fehr l c 121 n 11

D quae res pignori vel hypothecae datae obligari non possunt 20, 3

rubr [rubr] π Ebrard form hypoth 142

1 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam (?)⟩ Fehr Pfandr 40

pr [pr] π Ebrard l c 101. 134
[hypothecam] ⟨pignus⟩ (?) Fehr l c 105 Albertario Riv It sc giur 49 (1911) 66

§ 1 [§ 1] π Ebrard l c 85. 113 n 64. 134. 136 n 31
[facti — *fin*] Vassalli misc crit 2, 4

§ 2 [§ 2] π Ebrard l c 114. 134 ca Messina Vitrano disciplina rom d negozi giur invalidi 2, 3. 6
[quod] *corr* ⟨quo⟩ Lenel 35
[ut in rebus — *fin*] (?) Betti D 42, 1, 63 p 329 ca Messina Vitrano l c
[mobilibus] ⟨nec mancipi⟩ Siber Pass Leg 102 Fehr l c 134 n 36 Messina Vitrano l c

2 inscr [hypothecaria] ⟨pigneraticia *aut* Serviana (?)⟩ Fehr l c 40
[2] π Ebrard l c 89. 134. 136 n 31
[2] Albertario l c 65
[$\overline{pp}$ 2]; [hypothecam] Fehr l c 96 cf Manigk RE 9, 369, 5 s v hypotheca
[hypothecam] ⟨rem pignori⟩; [aut pro — an his]; [quaeritur — *fin*] Vassalli Stud Sen 30 (1914) 49

3 non aliter ⟨posterior⟩ Ferrini Dig Mil
[non per oblivionem — vendere] Dernburg Pfandr 2, 509 Naber Mnem 31 (1903) 212 n 5 VJR (?) 1, 317, 8 ca (?) Dernburg Pand 1 § 289 n 2

4 [hypothecae] ⟨pignoris⟩ (?) Fehr l c 71 Albertario l c 63 ca Erman Mél Girard 1, 437 Manigk l c 375, 25. 381, 3
[hypothecae] Ebrard l c 49
[prius res] ⟨res prius⟩ Ferrini Dig Mil
[post — interpositam] Riccobono SZ 35 (1914) 217 n 1 (?)
[et ideo — *fin*] Bes SZ 45 (1925) 467

5 [$\overline{pp}$ 5] cf Paul 5, 1, 1 Gradenwitz Itpp 224 Buckland Yale Law Journal 33 (1923/24) 351

D qui potiores in pignore vel hypotheca habeantur et de his qui in priorum creditorum locum succedunt 20, 4

rubr [rubr] π Ebrard form hypoth 142

1 pr [pignus sive hypothecam] ⟨fiduciam⟩ (?) Kübler Mél Girard 2, 57. 58 ca Rabel Grundz 495 n 5 Manigk RE 9, 375, 43 s v hypotheca
[sive hypothecam] Fehr Pfandr 64 Albertario Riv It sc giur 49 (1911) 63 Kr Rabel l c Ebrard l c 53 ca Erman Mél Girard 1, 437 Manigk l c

2 quae ⟨non⟩ generaliter Ch Appleton NRH 40 (1916) 54 (sec Mommsen)
[generaliter] *corr* ⟨iam aliter⟩ Huschke PK 21 ⟨pignori aliter (?)⟩ Lenel 451

3 § 1 [$\overline{pp}$ § 1] Solazzi Mem Mod 11 (1914) 189 n 2
[verum — *fin*] Eisele SZ 10 (1889) 313 Dig Mil Kr VJR (?) 4, 1, 150, 12 Pringsheim Kauf 135 n 5 Guarneri Citati Ann Pal 11 (1923) 220 n 1
[nisi — offerat] Seckel s v nisi (368)
[quodsi — *fin*] Guarneri Citati obbl indivis 1, 38 n 3

4 [nec enim — pensaverit] Biondi compensazione 135. 163 sq. 276 n 1
[et ideo — *fin*] Rabel Grundz 496 n 4 Kr Suppl

6 § 1 [sibi] ⟨tibi⟩ Huschke PK 24

§ 2 [§ 2] (?) Pringsheim Kauf 151 n 3; SZ 41 (1920) 252 n 2

7 pr [pr] π Ebrard form hypoth 104 n 47
[quodsi — *fin*] Pringsheim (?) Kauf 151 sq Kr Suppl Guarneri Citati obbl indivis 1, 38 n 3

§ 1 [specialiter]; [et in pignore]; [de suo — *fin*] ⟨— ? —⟩ Bes 4, 211

8 [dicendum — *fin*] Guarneri Citati Ann Pal 8 (1921) 420 n 2

9 pr consultus ⟨Iulianus⟩ Wlassak Prozeßformel 1, 43

9 § 1 [§ 1] π (?) Schulz Bonn Festg Zitelmann 109 n 1
[sub condicione creditorem] (?); [$\overline{pp}$ cui — coeperit] Vassalli Bull 27 (1914) 233 n 1

§ 2 [pignus — esset] ⟨deberi coepisset⟩ (?) Vassalli l c

§ 3 [alienum] ⟨quod fiduciae causa mancipaverat⟩; [domina — facta] ⟨usu receptum⟩ Beseler SZ 45 (1925) 440
[aestimatum] Beseler l c Albertario Rend Lomb 59 (1926) 292—296
[non ideo — *fin*] Beseler l c
[tunc — *fin*] (?) Schulz Bonn Festg Zitelmann 126 n 2
[emptoris loco] ⟨dominus⟩ Albertario l c
[haec tamen — *fin*] Rabel Grundz 495 n 4 Bes 4, 69 Kr (?) Suppl Schulz l c Albertario l c

11 inscr [hypothecaria] ⟨pigneraticia *aut* Serviana (?)⟩ Fehr Pfandr 40

pr [pr] π Ebrard form hypoth 85. 134
[$\overline{pp}$ pr] Dig Mil Fehr l c 78 Albertario Riv It sc giur 49 (1911) 64 Vassalli Bull 27 (1914) 232 n 2 Manigk RE 9, 369, 7 s v hypotheca
[et accepit hypothecam] Fehr l c Kr Vassalli l c ca Manigk l c
[licet ab — accepit] Kr Vassalli l c

§ 1 [§ 1] π Ebrard l c 97. 134. 136 n 31
[$\overline{pp}$ § 1] Rabel Grundz 495
[hypotheca data] ⟨pignus datum⟩ Fehr l c 78 Albertario l c 64 Vassalli Bull 27 (1914) 232 ca Manigk l c 369, 22
[hypothecam] ⟨rem (?)⟩ Vassalli l c
[postea] ⟨prius⟩ (?) Vassalli l c
[sed vereor — *fin*] Vassalli l c Rabel SZ 46 (1926) 465

§ 2 [§ 2] π Ebrard l c 87. 88 n 16. 134
[hypothecae] (?) Fehr l c 97 ca Manigk l c 369, 26

§ 3 [§ 3] π Ebrard l c 76. 77 n 134. 136 n 31
[$\overline{pp}$ § 3] Albertario l c 64 Schulz Bonn Festg Zitelmann 120
[hypothecae] ⟨pignori⟩ Fehr l c 78 Albertario l c ca Manigk l c 369, 53

§ 4 [§ 4] π Ebrard l c 107. 134. 137
[hypothecaria] (?) Fehr l c 97 ca Manigk l c 370, 12

12 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam (?)⟩ Fehr Pfandr 40

pr [pr] π Ebrard form hypoth 82. 134. 137
[hypothecam] ⟨pignus⟩ (?); [hypothecaria] (*bis*) ⟨pigneraticia *aut* Serviana⟩ (?); [hypothecaeve] (?); [hypotheca] ⟨pignus⟩ (?) Fehr l c 105 Albertario Riv It sc giur 49

D qui potiores in pignore vel hypotheca habeantur 20, 4

12 pr (1911) 66 ca Manigk RE 9, 385, 37 s v hypotheca
[in — relatum] Bes 2, 141
[et adiudicari — *fin*] Bes 2, 141 ca Arangio-Ruiz Bull 32 (1922) 36

§ 1 [§ 1] π Ebrard l c 113 n 64. 136 n 31. 137 sq. 138 n 36
[ex praefatis modis] gl (?) Lenel 36 Eisele SZ 13 (1892) 137 T Kalb JL 70 HAppleton int 77 Seckel s v praefatus Kr Naber Mnem 38 (1910) 247 Betti lit aest 1, 24 Koschaker SZ 37 (1916) 364 n 4
[recte] Naber l c
[et recte — *fin*] Levy SZ 42 (1921) 500 n 7

§ 2 [§ 2] π Ebrard l c 99. 134. 136 n 31
[pp § 2] Dig Mil Albertario l c 64
[hypotheca] ⟨pignore⟩; [hypothecam] ⟨pignus⟩ (?) Fehr l c 85 ca Manigk l c
[unde — *fin*] (?) Fehr l c 85
[unde] *corr* ⟨verum (?)⟩ Scialoja Dig Mil

§ 3 [§ 3] π Ebrard l c 113 n 64

§ 4 [§ 4] π Ebrard l c 99. 134. 136 n 31
[hypotheca] (*bis*) ⟨pignore⟩ (?); [hypothecam] ⟨pignus⟩ (?) Fehr l c 105 Albertario l c 66 ca Manigk l c
[erit autem — *fin*] (!) De Ruggiero Stud Cagliari 2, 59 n 2 Vassalli misc crit 2, 4

§ 5 [§ 5] π Ebrard l c 115. 134
[pp § 5] Kalb JL 68 HAppleton int 69 VJR (?) 1, 468, 31
[sed si — *fin*] Bes 4, 138

§ 6 [§ 6] π Ebrard l c 114. 134. 136 n 31
[tamen usurarum, quas] ⟨eius pecuniae, quam⟩ Beseler SZ 46 (1926) 273

§ 7 [§ 7] π Ebrard l c 107. 134
[hypotheca] ⟨pignore⟩ (?) Fehr l c 105 Albertario l c 66 ca Manigk l c

§ 8 [§ 8] π Ebrard l c 91. 134
[pp § 8] Fehr l c 104 Albertario l c 66
[hypothecaeve] Fehr (?) l c 104 Beseler SZ 43 (1922) 543 ca Manigk l c
[cum eo — teneatur] ⟨eodem modo⟩; [aliquis — *fin*] Beseler l c
[num hic — et hic] Kunkel SZ 45 (1925) 326

§ 9 [§ 9] π Ebrard l c 115. 134
[Si tertius]; [aliud] Beseler SZ 43 (1922) 543
[et omnino — *fin*] gl (?) Bes 4, 139; SZ l c

§ 10 [§ 10] π Ebrard l c 76. 77 n. 134
[hypotheca obligata] ⟨pignus obligatum⟩ (?); [hypotheca vendenda] ⟨pignore vendendo⟩ (?) Fehr l c 105 Albertario

D qui potiores in pignore vel hypotheca habeantur 20, 4

12 § 10 l c 66 ca Erman Mél Girard 1, 426 Manigk RE 9, 385, 37 s v hypotheca
[nam — *fin*] Manigk l c 384, 30. 391, 5

13 [pignorumque] *corr* ⟨pignorum quoque⟩ Huschke PK 27
[quia — servetur] Bremer iurispr antehadr 2, 2, 230 gl Riccobono Bull 6 (1894) 167 Dig Mil
[sed verisimile — *fin*] (?) Vassalli misc crit 2, 5
pignorum causa ⟨prima⟩ Naber Mnem 38 (1910) 253 n 10

15 [superficies — posita] Bes 1, 104
⟨non⟩ potest; [ita tamen — *fin*] Albertario peg superfic 7 Rotondi Scr giur 3, 442. 444 cf Riccobono Ann Pal 3/4 (1917) 512 n 6
[solarium] Bes l c

16 [pp 16] (?) Bes 3, 140
⟨non⟩ doceret Ch Appleton NRH 40 (1916) 46 (sec Cuiacium) ca Dernburg Pfandr 2, 464
[plane cum — *fin*] Ebrard form hypoth 111 n 60
secundus creditor ⟨adversus⟩ Bonfante Dig Mil

19 [pp 19] Seligsohn iusta possessio 42 n 149
[iustus possessor] gl ⟨maritus⟩ Beseler SZ 43 (1922) 421
[posse] *corr* ⟨possessorem⟩ Bonfante Dig Mil

20 [pp 20] HKrüger Grünh Z 41 (1915) 310 Jörs (?) röm Priv R 107 n 1
[hyperocham — rei] Kr Nov Suppl ⟨eam rem⟩ Bes 4, 138
[pignoris — creditam] Bes l c
[pignoris hyperocha] gl Mommsen Dig Lenel 25 cf Huschke PK 28
[finge — creditam] Pringsheim Festschr Lenel 243 n 6 Kr Nov Suppl ca Scialoja Bull 19 (1907) 178
[Seius — *fin*] ⟨— ? —⟩ Bes l c Kr Nov Suppl

21 § 1 marmorum [creditur] ⟨creditor (F) pecuniam mutuam dedit *vel sim*⟩ Scialoja Dig Mil

D de distractione pignorum et hypothecarum 20, 5

rubr [rubr] π Ebrard form hypoth 92. 142

2 [fideiussor] (*bis*) ⟨sponsor⟩ Eisele Beitr 34 Kr ca Levy spons 206 n 1 (nunc cum Eisele)
[iudicis] ⟨proconsulis (?)⟩ Levy l c
[cum — temporis] Bes SZ 46 (1926) 273

D de distractione pignorum 20, 5

3 § 1 [quod — temporis] Beseler SZ 46 (1926) 273

5 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam (?)⟩ Fehr Pfandr 40

5 [5] π Ebrard form hypoth 110. 134

7 inscr cf 5 inscr

pr [pr] π Ebrard l c 75. 76 n 2. 115. 134
[vel hypothecam] Fehr l c 79 Albertario Riv It sc giur 49 (1911) 64 Kr Bes 3, 183. cf 48. 202 Haymann SZ 40 (1919) 218 ca Erman Mél Girard 1, 426
[recte — *fin*] Bes l c
[sed — *fin*] Fehr l c Albertario l c Kr Haymann l c ca Erman l c

§ 1 [§ 1] π Ebrard l c 98. 134. 136 n 31
[§ 1] Faber rat III ad D 13, 7, 13; error 25, 6
[$\overline{pp}$ § 1] Albertario l c 65
[hypotheca]; [hypothecam]; [si vero — *fin*] (?) Fehr l c 99 ca Manigk RE 9, 385, 41 s v hypotheca

§ 2 [§ 2] π Ebrard l c 92—96. 134. 136 n 31
[§ 2] Faber rat III ad D 13, 7, 13; error 24, 2. 87, 4 Beseler SZ 45 (1925) 467
[$\overline{pp}$ § 2] Ferrini Pand 404 n 2 Albertario l c 66 ca Manigk l c 385, 41
[a creditore — *fin*] ⟨creditori ne liceat fiduciam vendere, quid — possit. et certum est nullam esse, venditioni ut stetur⟩ Kr
[hypothecam]; [vel] (?) Fehr l c 100
[et an — *fin*] Lusignani Bull 11 (1898) 26 sq ⟨et pactio nulla est quasi contra ius sit posita⟩ Di Marzo nota 4 n 1
[talis — *fin*] (?) Fehr l c
[talis] Guarneri Citati obbl indivis 1, 50 n 1
[et certum — *fin*] De Ruggiero Stud Cagliari 2 (1910) 63
[ut pactioni stetur] Solazzi Bull 25 (1912) 123

9 pr [putavi — *fin*] Haymann SZ 40 (1919) 224
[si nulla — possit] Bes 3, 117
[ex — facta] Bes l c Albertario Stud Pavia 5 (1919) 24; Rend Lomb 59 (1926) 443 n 3 ⟨pignoris⟩ Bes l c

10 [is qui] ⟨quis ea⟩; [pignoris emit] ⟨pignus emerit ne⟩; [non potest] ⟨possit⟩ Guarneri Citati Ann Pal 8 (1921) 415. 417
[non] potest Haymann SZ 40 (1919) 309 n 1

11 [pignus] ⟨fiduciam⟩ Lenel 228. cf 23 ca Schulz Einf 98 n 2

D de distractione pignorum 20, 5

12 § 1 [$\overline{pp}$ § 1] Pernice Labeo 3, 1, 237 n 4 Rabel Grundz 496 Haymann SZ 40 (1919) 309 n 1 De Francisci Synall 2, 422
[personali] (?) Segrè Stud Scialoja 1, 279 n 2
[actione — creditae] ⟨contraria pigneraticia actione⟩ (?) Segrè l c (nunc genuinum magis putat)
[personali — creditae] Albertario Riv It sc giur 52 (1912) 44 n Kr Suppl Guarneri Citati Ann Pal 8 (1921) 396
[sed quantum — adquirat] Riccobono Bull 8 (1895) 188 n 5; Misc Salinas (1907) 158 n 2; SZ 31 (1910) 363; Ann Pal 3/4 (1917) 610 Bonfante Glück ital 21, 176. 179 Ferrini Pand 603 n 1; obbl 520 Segrè l c Kr VJR (?) 4, 1, 68, 11 Solazzi Arch giur 94 (1925) 88
[ne ex — adquirat] Grünwald Heidelb Diss 43 Betti opposizione d exceptio 57 n 2 Haymann Jher Jb 77 (1927) 192 n 1
[maiores] ⟨duplos⟩ van de Water obss 2, 4 cf Bachofen Pfandr 1, 216 n 7
[possessore] ⟨sponsore pro praede litis et vindiciarum⟩ Huschke PK 30 ca Lenel 27
[quodsi — *fin*] Ferrini Pand 715 n 3
[omnimodo]; [verum obligatus — restituendum] Guarneri Citati l c

13 [pignus] (*bis*) ⟨rem fiduciae datam⟩ Ubbelohde Realcontr 89 n 151 ⟨fiduciam⟩ Eisele SZ 30 (1909) 125 Manigk (?) RE 9, 390, 49 s v hypotheca Guarneri Citati Ann Pal 8 (1921) 408
[ius suum] ⟨eam mancipare aut in iure⟩ Eisele l c Manigk (?) l c Guarneri Citati l c Stoll SZ 47 (1927) 521 n 3 ⟨nummo uno⟩ Naber Mnem 38 (1910) 236

14 [arbitri] *corr* ⟨arbiter⟩ Huschke PK 30
[diversa] gl Schulz Einf 97 n 4
[pignus — obligatum] ⟨fiduciam — datam⟩ Lenel 23 Fehr Pfandr 121 n 11 Erman Mél Girard 1, 450 ca Schulz l c 98 n 2

D quibus modis pignus vel hypotheca solvitur 20, 6

rubr [rubr] π Ebrard form hypoth 142

1 pr [$\overline{pp}$ pr] Ebrard l c 69 n 72
[citra emptionem] Bes 2, 40

§ 1 [$\overline{pp}$ § 1] Savigny Syst 4, 55 n g Buckland text-book 255 n 4
(?) eoque Lenel 657

D quibus modis pignus vel hypotheca solvitur 20, 6

1 § 1 [donationem quibusdam — constabat] ⟨donatio, quum mutata voluntate decessisset venditor, propter legis Cinciae replicationem inutilis esset⟩ Francke Civ Abh 52 Mitteis RPR 1, 164 n 48 cf Kr Suppl
[quibusdam modis] ⟨propter legem Cinciam⟩ Savigny Verm Schr 1, 363; ZGRW 4 (1820) 44 Eisele SZ 30 (1909) 139
[quibusdam modis] Lenel 657 Kr

§ 2 [fideiussores] ⟨sponsores⟩ Lenel 657 Kr Wirbel cognitor 149 n 2

2 [$\overline{pp}$ 2] Pernice Labeo 3, 1, 189 n 2
[non aliter — *fin*] Kalb RJ 18 n 1 Kr VJR (?) 4, 1, 151, 13. 242, 15 Ebrard form hypoth 66 n 67. 138 Levy SZ 42 (1921) 500 n 5 ⟨exceptione submovebitur⟩ Naber Mnem 38 (1910) 249
[hoc facere — prius] ⟨possessor restituere cogetur quam si litis aestimationem⟩; [debitum] ⟨debitor⟩ Betti lit aest 1, 25

3 [finiri pignus] ⟨rem pignori esse non desinere⟩; [quamquam — *fin*] Beseler SZ 43 (1922) 437

4 pr [nisi — *fin*] Ebrard form hypoth 66 n 67 Kr Suppl Guarneri Citati Ann Messina 1 (1927) 109 n 1

§ 1 [$\overline{pp}$ § 1] De Ruggiero Stud Cagliari 2 (1910) 58 n 3 Rabel Grundz 497
[in venditione] ⟨venditioni⟩ Beseler SZ 45 (1925) 222
[vel ut — dotem det] Beseler l c Guarneri Citati l c
[dicendum — liberari] (?) Guarneri Citati l c
[nisi —] Beseler l c
[nisi — consentire. sed]; [sic — satisfiat]; [non] nocere Guarneri Citati l c

§ 2 [forte]; [ut puta — *fin*] ⟨— ? —⟩ Guarneri Citati l c 111 n

5 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam (?)⟩ Fehr Pfandr 40

pr [pr] π Ebrard form hypoth 100. 134 Bes 4, 234
[$\overline{pp}$ pr] Fehr l c 104 Albertario Riv It sc giur 49 (1911) 66
[hypotheca] (*bis*) (?); [hypothecam] (?) Fehr l c Albertario l c
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§ 1 [§ 1] π Ebrard l c 101. 134
[hypotheca] ⟨pignore⟩ (?) Fehr l c 105 Albertario l c 66

§ 2 [§ 2] π Ebrard l c 88. 134
pro [hypotheca] ⟨pignore⟩ (?); ut [hypo-

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5 § 2 theca] ⟨pignus⟩ (?) Fehr l c 105 Albertario l c 66

§ 3 [§ 3] π Ebrard l c 101. 134
[hypothecae] ⟨pignori⟩ (?) Fehr l c 105 Albertario l c 66

6 pr [sed — *fin*] Beseler SZ 43 (1922) 437
si qua ⟨alia⟩ Fadda Dig Mil

§ 1 [ergo — *fin*] Bes 3, 117; cf 1,60 ad D 47, 10, 11, 7 cf Pringsheim Kauf 72 n 2

§ 2 [§ 2] Beseler SZ 45 (1925) 441

7 inscr [hypothecariam] ⟨pigneraticiam *aut* Servianam (?)⟩ Fehr Pfandr 40

pr [pr] π Ebrard form hypoth 112. 134
[hypotheca] (?) Fehr l c 96 Albertario Riv It sc giur 49 (1911) 65 ca Manigk RE 9, 369, 67 s v hypotheca
[aut etiam — *fin*] Lenel 403 Albertario Ann Perug 31 (1919) 4, 1 p 16 n cf Pringsheim Kauf 72 n 2
[scilicet — *fin*] Huschke PK 31. 32 VJR (?) 1, 825, 34 Seckel s v iudex 3 a (293 a) Kr Fehr l c 97 Albertario Riv It l c Manigk l c

§ 1 [§ 1] π Ebrard l c 112. 134
[et in id praepositus est] Kr Rabel Festschr Zitelmann 11 Solazzi Aeg 5 (1924) 14
[non] posse [nisi — *fin*] Bonfante Glück ital 21, 350 sq
[non posse — *fin*] ⟨tenere *vel similia*⟩ Bonfante Scr giur 3, 253; Ist [8] 262 n 1
[non posse — *fin*] Kr VJR (?) 3, 1, 198, 12; 4, 1, 144, 35 Albertario Stud Pavia 6 (1921) 93. 108 n 2. 109 n 1 Solazzi l c

§ 2 [§ 2] π Ebrard l c 112. 134

§ 3 [§ 3] π Ebrard l c 112. 134

§ 4 [§ 4] π Ebrard l c 112. 134. 136 n 31
[hypothecae] ⟨pignori⟩ Fehr l c 79 Albertario Riv It l c 64 ca Manigk l c 370, 2

8 inscr cf 5 inscr

pr [pr] π Ebrard form hypoth 91. 134
[hypothecave] (?) Fehr Pfandr 105 Albertario Riv It sc giur 49 (1911) 66 ca Manigk RE 9, 385, 64 s v hypotheca

§ 1 [§ 1] π Ebrard l c 77. 91 n 21. 134
[hypothecaeve] (?) Fehr l c 104 Albertario l c 66 ca Manigk l c
[et ideo] Beseler SZ 45 (1925) 467
[heredi] *corr* ⟨cum herede⟩ Fadda Dig Mil ca Rotondi Scr giur 2, 323 n 3
cui ⟨heres⟩ Beseler l c

§ 2 [§ 2] π Ebrard l c 108 et n 58. 134. 136 n 31

8 § 2 [*pp* § 2] Frese Mél Cornil 1, 338 n 3
[hypothecariam] ⟨pigneraticiam *aut* Servianam⟩ (?) Fehr l c 104 Albertario l c 66 ca Manigk l c
[in tantum — *fin*] (?) Naber Mnem 38 (1910) 241 n 9

§ 3 [§ 3] π Ebrard l c 77. 110. 134

§ 4 [§ 4] π Ebrard l c 77. 134
[hypothecae] ⟨pignori⟩ (?) Fehr l c 104 ca Manigk l c

§ 5 [§ 5] π Ebrard l c 85. 134. 136 n 31
[*pp* § 5] Manigk l c
[hypothecam] ⟨pignori⟩ Fehr l c 85 Albertario l c 64 Kr ca Manigk l c
[et habent — administrationem] Lenel 26 Fehr l. c Kr
[sed — *fin*] Albertario l c Kr ⟨et dicendum est non posse eos concedere (?)⟩ Fehr l c

§ 6 [§ 6] π Ebrard l c 110 et n 60. 134
[alienatus — *fin*] ⟨— ? —⟩ Beseler SZ 45 (1925) 247; cf SZ 43 (1922) 544
[inverecunde — *fin*] Guarneri Citati Ann Messina 1 (1927) 111 n. 112 n. 114 n 1

§ 7 [§ 7] π Ebrard l c 100. 134. 136 n 31
[§ 7] Beseler SZ 43 (1922) 544
[*pp* § 7] Fehr l c 104 Albertario l c 66
[hypothecae] ⟨pignori⟩ (?) Fehr l c ca Manigk l c
[Supervacuum est quaerere] ⟨Si⟩; [venisse — fieri, ut]; debitor [permissu creditoris]; [verumtamen — *fin*] ⟨exceptione rei voluntate creditoris venditae et traditae creditor repellitur⟩ Guarneri Citati Ann Messina 1 (1927) 117

§ 8 [§ 8] π Ebrard l c 100 et n 60. 134. 136 n 31
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[*pp* sed iniquum — est]; [potest — *fin*] Guarneri Citati l c 116

§ 9 [§ 9] π Ebrard l c 110 et n 60. 134
[licet — *fin*] Beseler SZ 43 (1922) 544

§ 10 [§ 10] π Ebrard l c 110. 111 n 60. 134
[§ 10] Beseler l c

§ 11 [§ 11] π Ebrard l c
[quod ita — *fin*] (?) Guarneri Citati l c 113 n

§ 12 [§ 12] π Ebrard l c
[pignus exstinguatur] ⟨exceptione tuendus sit⟩ (?); [et]; [sed — *fin*] Beseler l c Guarneri Citati l c 110 n 1. 111 n 1
[sed — *fin*] Stoll SZ 44 (1924) 57 n 1

D quibus modis pignus vel hypotheca solvitur 20, 6

8 **§ 13** [§ 13] π Ebrard l c
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§ 15 [§ 15] π Ebrard l c
[§ 15] Beseler l c
[sed si — videtur] (?) Kr Suppl consensisse ⟨non⟩ videtur; [nisi — *fin*] Riccobono SZ 34 (1913) 249
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§ 16 [§ 16] π Ebrard l c
[§ 16] Vassalli misc crit 2, 5
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§ 17 [§ 17] π Ebrard l c 86. 134
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[hypothecaria] ⟨pigneraticia *aut* Serviana⟩ (?) Fehr l c 105 Albertario l c 66 ⟨pigneraticia⟩ Betti lit aest 1, 31 ca Manigk RE 9, 385, 64 s v hypotheca

9 pr [in assem]; [ac — permanserit]; [dominium — pertinere]; [proponantur] ⟨viderentur⟩ Beseler SZ 45 (1925) 441

§ 1 [secundus creditor] gl ⟨Titius⟩ Beseler l c
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9 § 1 [cui — *fin*] Riccobono SZ 34 (1913) 250 Kr (?) Suppl

10 [$\overline{pp}$ 10] Haymann Jher Jb 77 (1927) 264

10 pr [pignorum] ⟨pignoris⟩; [nam — et ideo] ⟨idem dicendum est⟩ Beseler SZ 43 (1922) 543
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§ 1 [$\overline{pp}$ § 1] Stoll l c
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11 [sive hypotheca]; [hypothecam] ⟨pignus⟩ (?) Fehr l c 71 Albertario Riv It sc giur 49 (1911) 63 Kr Dig et Nov Suppl Kübler Mél Girard 2, 58 Ebrard l c 49 ca Erman Mél Girard 1, 437 Manigk RE 9, 375, 30. 381, 3. 6 s v hypotheca

12 pr [et ideo — effectam] (?) Beseler SZ 45 (1925) 467

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13 [nam — *fin*] Siber nat obl 73 dubitat Landucci Att Ven 72, 2 (1912/13) 1450 n 3

14 [et ideo — *fin*] (?) Beseler SZ 45 (1925) 467

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LITTERARUM SOCIETATIS SAXONICAE
SOCIETATIS STUDIIS GERMANIAE SUSTENTANDIS

ADIUTI CURAVERUNT

ERNESTUS LEVY ERNESTUS RABEL

TOMUS II

AD LIBROS DIGESTORUM XXI—XXXV PERTINENS

WEIMAR
HERMANN BÖHLAUS NACHFOLGER
1931

PRAEFATIO

Huius Indicis pars secunda qua libri Digestorum XXI—XXXV continentur scriptaque ante Kal. Ian. anni 1930 vulgata tractantur, quamquam summa omnium sociorum industria promovebatur, fieri non potuit ut antea in publicum prodiret.

Ad operam atque impensas minuendas scriptorum coniecturas ne brevius referre cogeremur, timendum esse in prioris voluminis praefatione diximus. Contigit tamen nobis, ut institutionem operis in hoc quoque tomo integram servaremus. Pauca quidem mutanda erant. Primum enim ubi interpolationis suspicionem plerique comprobaverunt, non omnes quos consentire nobis innotuit commemoravimus, praecipue vero eos, qui novis argumentis ducti non videantur, silentio praetermisimus. Deinde eorum qui verba genuina latiore quodam vel impedito restituendi modo indagabant coniecturas, quas aut referre difficile aut typis exprimere sumptuosum erat, non ad verbum notavimus sed scribendi compendio usi lineola transversa significavimus hac ⟨—⟩. Qua nota ut adhuc auctorem quendam sententiam, non verba genuina restituere conatum esse, ita nunc generaliter opinionem aliquam de textu pristino a Iustiniano deleto propositam esse indicatur.

Scripta quae post Kal. Ian. anni 1930 edita essent, cum neque omnia neque aequaliter recipi possent, hic consulto praeterita in proximo supplemento digesta et disposita proponentur. Aliam tamen rationem editor libri XXIX sequi maluit.

In hac quoque parte Indicis perficienda Ernst Levy opera consilioque socius fuit. Multum denuo insumptum est laboris a Secretariatu Berolinensi, cuius muneribus a principio Dr. Walter Erdmann assidue indefesseque, mox Dr. Irmgard Jahn maxima diligentia functi sunt. Georg H. Maier quoque forti auxilio sua sponte nos adiuvit. Pietro de Francisci et Dr. Agostino Poggi rogatu nostro multis libris auctorum Italicorum recognoscendis optime meriti sunt.

Maximas vero ex animi sententia gratias debemus agimusque corporibus illustribus quorum subsidiis hic Index praeparatus et emissus est: Societati studiis Germaniae sustentandis (Notgemeinschaft der deutschen Wissenschaft) et Academiis litterarum Borussicae ac Saxonicae.

Denique cum iam prius rogaverimus, ut ab omnibus, si fieri posset, novorum librorum auctoribus continuo libris excerptisque missis in Indice supplendo et corrigendo adiuvaremur, nec tamen rogantibus nobis nisi perpauci satisfecerint, hoc iterum oramus petimusque.

E Rabel

SIGNA ET ABBREVIATURAE

Vide tom I p VI sqq

I

⟨—⟩ scriptor aliquid ad sententiam genuinam restituendam profert

s g sententia genuina verba mutata

* excerptum rursus examinari nequiit

II

Ann Macerata = Annali della R. Università di Macerata

Comment Woelfflin = Commentationes Woelfflinianae. Lipsiae Teubn. 1891

Dizionario = Dizionario pratico del diritto privato. dirett. Vitt. Scialoja. Milano 1923 I—III, 1

Pubbl Modena = Pubblicazioni della facoltà di giurisprudenza della R. Università di Modena. 1 (1925)

Stud Urb = Studi Urbinati. Urbino 1 (1927)

III

Albertario Emilio
- pollicitatio = La pollicitatio. Pubbl Sacro Cuore ser 2 (giur) vol 20. Milano 1929
- problemi possess = I problemi possessorî relativi al servus fugitivus. Pubbl Sacro Cuore ser 2 (giur) vol 22. Milano 1929

Arángio-Ruiz Vincenzo
- resp = Responsabilità contrattuale in diritto romano. Corso di Pandette. Napoli 1927

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- ratifica = Teoria della ratifica del contratto annullabile. Milano 1898

Bechmann August
- postlim = Das ius postliminii und die Lex Cornelia. Erlangen 1872

v Beseler Gerhard
- jur Min = Juristische Miniaturen. Leipzig 1929

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- corso = Corso di diritto romano II la proprietà sez II Roma 1928. VI le successioni. parte generale. Città di Castello 1930.

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- possessio = Possessio in den Schriften der römischen Juristen. Ein Beitrag zur Kenntnis der römischen Rechtssprache. Wien und Leipzig 1928

Brie Siegfried
- Gewohnheitsrecht = Die Lehre vom Gewohnheitsrecht. Breslau 1899

Cuq Édouard
- manuel = Manuel des institutions juridiques des Romains. 2ᵉ éd. Paris 1928

David Martin
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Esmein A(dhémar)
- mél = Mélanges d'histoire du droit et de critique. Droit romain. Paris 1886

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- dir pen esp stor = Esposizione storica e dottrinale del diritto penale romano. Milano 1905 in: Enciclopedia del Diritto Penale Italiano. Raccolta di monografie a cura di Enrico Pessina I 1905

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opp = Opere di Contardo Ferrini. I A cura di Vinc. Arangio-Ruiz. Milano 1929. II III A cura di Emilio Albertario. Milano 1929. IV A cura di Pietro Ciapessoni. Milano 1930. V A cura di Vinc. Arangio-Ruiz. Milano 1930.
servitù = Il diritto civile italiano dir. da B. Brugi parte V Delle servitù. C. Ferrini-G. Pulvirenti-A. Butera Delle servitù prediali vol I Delle servitù stabilite dalla legge. vol I dei professori C. Ferrini e G. Pulvirenti. Rist. stereot. della 2ª ed. Torino-Napoli 1923

Gide Paul
novation = Études sur la novation et le transport des créances en droit romain. Paris 1879

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a° fiduciae = Appunti sulla formula dell' actio fiduciae. Estr Ann dell' Universitá di Camerino vol III (sez giur). Cortona 1929
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alveo derelitto = Il ripristino della proprietà sull' alveo derelitto in diritto romano. Estr Ann Macerata I. Tolentino 1927

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ad l Iul et PP = Ad legem Iuliam et Papiam Poppaeam commentarius, quo multa iuris auctorumque veterum loca explicantur, vindicantur, emendantur atque illustrantur. Amstelaedami 1726

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opp = Franc. Hotmani Iurisconsulti Operum tom I et II. Exc. Haeredes Eustathii Vignon et Iacobus Stoer. 1599

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disc rom = La disciplina romana dei negozi giuridici invalidi I i negozi iuris civilis sotto condizione illecita. in Ann Perug 33 (1921) 580 sqq

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accessorietà = Sull' accessorietà del pegno. Macerata 1927

Riccobono Salvator
fontes = Fontes iuris Romani anteiustiniani edd SRiccobono IBaviera CFerrini. Florentiae 1909

Roby Henry John
rom priv law = Roman private law in the times of Cicero and of the Antonines I II. Cambridge 1902

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Bergbaurecht = Beiträge zur Geschichte des Bergbaurechts. München 1929. Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte 12. Heft

Scialoja Vittorio
dir ered = Diritto ereditario romano. Concetti fondamentali. Lezioni 1913—14 a cura dell' avv. E. Giammichele. Roma 1914

proprietà = Teoria della proprietà nel diritto romano. Lezioni ordinate curate edite da Pietro Bonfante I. Roma 1928

Senn Félix
dr d obligations = Études sur le droit des obligations. I Paris 1914

Sertorio Luigi
culpa in concr = La 'culpa in concreto' nel diritto romano e nel diritto odierno. Torino 1914

Siber Heinrich
röm PrivR = Römisches Recht in Grundzügen für die Vorlesung. II Römisches Privatrecht. Berlin 1928

Solazzi Siro
consortium = Consortium omnis vitae. Estr Ann Macerata 5 (1929)

ist tut = Istituti tutelari (Anno academico 1928—29). Napoli 1929

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La legge delle XII tavole sulla tutela = Estr Scritti varii ded. al prof. Carlo Arnò = Pubbl Modena 30 (1928)

Tutele e curatele = Tutele e curatele. Estr della Riv It sc giur 53 (1913) p 263—292 e 54 (1914) p 17—70. p 273—294

Thayer James B.
lex Aquilia = Lex Aquilia (Digest IX, 2 Ad legem Aquiliam) Text, translation and commentary. On gifts between husband and wife (Digest XXIV, 1 De donationibus inter virum et uxorem) Text and commentary. Cambridge 1929

on gifts = *vide supra:* Lex Aquilia . . . On gifts . . .

Tripiccione Luigi
a° rei ux = L'actio rei uxoriae e l'actio ex stipulatu nella restituzione della dote secondo il diritto di Giustiniano. Contributo alla storia delle influenze orientali nel diritto romano. Ancona 1920

Viard Paul-Émile
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de Visscher Fernand
obl ex delicto = Les origines de l'obligation 'ex delicto'. Paris 1928

DIGESTORUM LIBRI XXI–XXXV

DIGESTORUM LIBER XXI

ED.

ERICH-HANS KADEN

D de aedilicio edicto et redhibitione et quanti minoris 21, 1

1 pr [$\overline{pp}$ pr] Bremer Festg Thöl 70 Ferrini obbl 731; Pand 694 n 4 Mitteis Symb Prag 136; RPR 55 n 37 (**ca** Schott Gewährung des Rechtsschutzes 150) De Medio Bull 16 (1904) 159 n 1 Riccobono Bull 20 (1908) 97 Girard manuel[5] 567 n 2.[7] 596 n 3 Haymann Haftg 37 Biondi actt arbb 131 n 2 Stintzing Krit Viert 51 (1913) 545 Rabel Grundz 464 n 5 Levy Konk 1, 138 n 3 Buckland text-book 489 n 16 Jörs röm Priv R 163 Lenel EP[3] 554 n 2 (§ 293) Seckel-Levy SZ 47 (1927) 125 et n 1 Bonfante Ist[8] 470 n 2 de Senarclens RH 6 (1927) 386 sqq. 401
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[sive adversus — oportere dicetur] Kniep praescr 152
[sive quid ex ea re — emptorem] Biondi actt arbb 131 n 2 **ca** Lenel EP[3] l c

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§ 6 [signis — vitia] (?) VJR 5, 544, 19

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§ 9 [$\overline{pp}$ § 9] Stintzing Krit Viert 51 (1913) 552

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§ 10 [quoniam — loquuntur] (?); [attamen — *fin*] Bes 3, 37 Kr Suppl
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[ex empto — *fin*] Bes l c

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§ 3 [videri vitium] gl ⟨redhiberi posse si dictum promissumve fuerit hoc vitium abesse, si minus, non: animi enim vitium est⟩ Schulz Einf 34 sq Kr Suppl
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§ 4 [§ 4] Eisele SZ 11 (1890) 22 De Medio Bull 16 (1904) 30 Schulz l c Kr Suppl Pringsheim Festschr Lenel 263
[$\overline{pp}$ § 4]; [ex — reticuit] Biondi iud b f 119 Kr Nov Suppl

§ 5 [$\overline{pp}$ § 5] Pringsheim Festschr Lenel 258
[illud — adnotandum] Pringsheim l c 249
[illud — videri] Bes 4, 195
[nihil — *fin*] Bes l c

§ 6 [idem ait] Bes l c

7 [sin autem] Albertario contr crit Dig 43

9 [morbum — apparet] Bremer iurispr antehadr 2, 1, 545

10 pr [quamvis consanaverit]; [tamen] Pringsheim Festschr Lenel 228

§ 1 [quod — *fin*] Pringsheim l c

11 *Labeonis nomen omissum censet* Riccobono Bull 6 (1893) 146 n 2
[praesertim — *fin*] Bes 3, 62 Kr Suppl **ca** Buckland Yale Law Journal 33 (1924) 347

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11 [donec] Guarneri Citati obbl indivis 1, 234 n 2 (235)

12 § 4 [os alieni olere] Bremer iurispr antehadr 1, 423 gl Lenel 1760
[strabonem] Bremer l c gl Lenel l c
[accidere] VJR 1, 79, 19
[similiter] ⟨simul⟩ Kr Suppl

14 § 4 [sin autem] Albertario contr crit Dig 36 posse ⟨ ⟩ Kr
§ 5 [sin autem — *fin*] Albertario l c 37
§ 9 [pp § 9] Biondi iud b f 119. 235 n 3 Viard pactes 60 n 2
[remittentibus — dandus] Kniep soc publ 133
[remittentibus — *fin*] Gradenwitz Itpp 84 Lenel 1760 Kr De Medio Bull 16 (1904) 28 sqq Biondi l c 12
[nisi sciens] (?) VJR 4, 144, 20
[nisi — *fin*] Eisele SZ 10 (1889) 313 Seckel s v nisi 368 **ca** Kniep l c
§ 10 [Caecilius] ⟨Caelius⟩ Mommsen jur Schr 2, 16 n 29 Lenel 1760
[ad eos — *fin*] Bremer iurispr antehadr 2, 2, 251

17 § 1 [nemo — *fin*] Bes 4, 297
§ 3 [si forte — utebatur]; [idemque — commodatus] (?) [si propter — agebat] Cugia tirocin industr 57. 59 n 1
§ 4 [pp § 4] Beseler Tijdschrift 8 (1928) 303
[sin autem — ne eum quidem] Albertario contr crit Dig 37
§ 10 [hoc — *fin*] Perozzi Ist[2] 1, 309 n 2
§ 12 [pp § 12] v Woeß Asylwesen Ägyptens (1923) 208
§ 16 coepisset ⟨etiamsi in eo erasset⟩ vel ⟨etiam mentitus esset⟩ *vel sim* Mo Kr
§ 18 [quaecumque — criminibus] gl Mommsen Strafr 8 n 8 Lenel 1762 Kr Albertario az pen 5; Riv dir comm 21, 1 (1923) 500 n 3
[quaecumque — criminibus] Albertario delictum 52 Betti lit aest 1, 40
[ex delictis] gl (?) VJR 2, 154, 18
suffere ⟨maluerit⟩ Betti l c
§ 19 [pp § 19] Solazzi Rend Lomb 55 (1922) 88 n 4
[vel ab — damnatus] Albertario a° de universitate 16 n 1
[ab — potestate] Solazzi l c
[aequissimum — *fin*] (?) Kr
[aequissimum] (?) Guarneri Citati obbl indivis 1, 137 n 1

18 pr [pp pr] De Francisci Rend Lomb 48 (1915) 305
['aequum et bonum'] Guarneri Citati Bull 32 (1922) 252 n 4

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18 pr [id — minoris] Meylan a° praescr verb 115 n 1 Albertario Riv dir comm 23, 1 (1925) 185 n gl Eisele SZ 30 (1909) 128 Kr
[haec omnia videntur — desiderentur] Eisele (?) l c Kr Biondi actt arbb 141 Albertario arb b v d debitore n determinazione d prestazione 32 n 2; Riv dir comm l c cf De Francisci l c
[haec omnia — *fin*] π Bes 1, 87; 2, 20. 33
§ 1 [mediocrem cocum] ⟨quemlibet⟩ Albertario Riv dir comm 23, 1 (1925) 184

19 § 2 [§ 2] Jörs röm PrivR 163
[dictum a — sponsum] Albertario Rend Lomb 60 (1927) 606 n 1; pollicitatio 12
[nudoque — finitur] ⟨?⟩ Partsch SZ 33 (1912) 607 **ca** Haymann Festg f d Reichsgericht 3, 329 n 25 cf Haymann Anfechtung 43 n
[et] ad [nudam — sive]; [secundum — *fin*] Bes 3, 157
§ 3 [§ 3] Siber röm PrivR 201
§ 4 [non utique — dicuntur] ⟨talem praestare debet, qualis vulgo artifex dicitur⟩ Albertario Riv dir comm 23, 1 (1925) 183 sq
[sed — dicuntur] Albertario arb b v d debitore n determinazione d prestazione 32 n 2
[ut — artificium] Beseler SZ 45 (1925) 439
§ 5 [§ 5] De Francisci trasferimento 166 Fabricius Institor 31 n 2
[qui — succedunt] Longo (?) Bull 15 (1903) 292 Kr Bonfante Stud Scialoja 539; Glück ital 29, 1, 441 (*erratum* 91, 5)
[sed — *fin*] Naber Mnem 22 (1894) 83 Kr **ca** Kalb Jber klass Alt 89 (1896) 268
§ 6 [aut — *fin*] Beseler SZ 45 (1925) 207

20 [pp 20] Haymann Haftg 113 n 1

21 pr habu[er]it; fi[eba]t Beseler SZ 47 (1927) 369
§ 1 [redditur] ⟨redhibetur⟩; [eum]; [et ideo — *fin*] Beseler l c
§ 2 [dupliciter]; [alias — futurum]; [his rebus] Beseler l c
[isdem diebus] Beseler l c ⟨id⟩ Cuiac III, 498 D = observ 17, 21; VI, 198 D = Iul Dig 30 *ad* D 28, 5, 40. 41; IX, 722 C = comm Cod 6, 24
§ 3 sciens ⟨vitiosum mancipium⟩; [cavere] ⟨caveri⟩; sua⟨m⟩ potestate⟨m⟩ Beseler l c

23 pr [ideo — praestetur] ⟨ita Pomponius scribit⟩; [sufficiat — *fin*] Beseler SZ 45 (1925) 467

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23 § 1 ⟨?⟩ Haymann Haftg 33 (?)
§ 2 [excipitur — admisit] ⟨'capitalem fraudem admiserit'⟩ Beseler l c
§ 3 [excipitur — causa quid fecerit] ⟨'mortis conciscendae sibi causa quid fecerit'⟩ Beseler l c
§ 4 [quamvis — competere] Albertario form Fab 31
[quamvis — *fin*] De Francisci az pen 25; Synall 2, 422 Biondi actt arbb 112. 135 Rotondi Scr giur 2, 404 n 3 Betti (?) lit aest 2, 5 n 3 Biondi a^{nes} noxales 62 **ca** Levy Konk 1, 135 Vincent édiles 102 *et* n 2 Lenel SZ 45 (1925) 23
§ 5 [§ 5] Rotondi l c
§ 6 [§ 6] Beseler SZ 44 (1924) 383
[liberi — alieni] Eisele SZ 13 (1892) 140
§ 8 [aliquid] ⟨litis aestimationem⟩ Betti lit aest 1, 38
[non aliter — praestiterit] Heldrich SZ 46 (1926) 427
[indemnem eum] ⟨damnum venditor⟩ Bes 2, 110
[quicquam] ⟨litis aestimationem⟩ Betti l c
[et hoc — *fin*] Levy Konk 1, 353 n 3 cf l c 2, 73 n 2 Kr Suppl
[et videtur — *fin*] (?) H Krüger SZ 19 (1898) 30 Betti l c
§ 9 [vel culpa — pervenit] Lenel EP^3 558 (§ 293). 559 n 7
[quia — proderat] Pernice *apud* Bremer iurispr antehadr 2, 2, 98

25 pr [$\overline{pp}$ pr] De Francisci Arch giur 86 (1921) 261
§ 3 [$\overline{pp}$ § 3] Schulz Einf 77 De Francisci l c
[sed]; [hic]; [non — *fin*] Albertario Stud Pavia 6 (1921) 95 cf Rabel SZ 46 (1926) 473
§ 4 ⟨idem⟩ Pedius; [aequum — *fin*] gl Bes 3, 117. 186
[quod autem — *fin*] Biondi a^{nes} noxales 137
§ 5 [§ 5] Schulz Grünh Z 38 (1911) 50
[quid ergo] Biondi Bull 29 (1916) 228
§ 6 [talis factus est] gl Mo Lenel 1773 talis factus est ⟨qualis est redhibitionis tempore⟩; [evasit] Bes 2, 8
§ 7 [notandum] Pringsheim Festschr Lenel 249
[notandum est quod] gl Bes 1, 54
§ 8 [§ 8] Bes 3, 126
[$\overline{pp}$ § 8] Biondi actt arbb 146; iud b f 142 n 5 'item — ceteraque veniunt' *maxima ex parte genuin* Levy SZ 36 (1915) 53 n 1

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25 § 8 [item sciendum est] Pringsheim Festschr Lenel 249
[idcirco — praestaretur] gl (?) Wlassak Jud bef 266
[sciendum] H Krüger Grünh Z 41 (1915) 309
[contigisset] Guarneri Citati obbl indivis 1, 94 n
[ceterum — *fin*] Biondi actt arbb 146 Kr Nov Suppl
[et tam fructus — *fin*] *vel* gl Lenel EP^3 559 n 1 (§ 293)
[iudici — *fin*] *vel* gl Levy l c Riccobono Ann Pal 3/4 (1917) 597 n 1
[statim atque] Beseler SZ 43 (1922) 544
[contingunt] Guarneri Citati l c
[ea autem — *fin*] Eisele SZ 11 (1890) 23 Kr Suppl Guarneri Citati Bull 33 (1923) 221 n 7 gl Wlassak l c
[non — eum] ⟨ad eum non?⟩ Seckel s v valide 613 Kr
[non valde] (?) VJR 4, 248, 21
[nisi — *fin*] Seckel l c
§ 9 [$\overline{pp}$ § 9] Biondi actt arbb 147 n 1
[edicto] ⟨formula⟩ Lenel 1775; EP^3 556 n 5 (§ 293) cf 113 n 2 (§ 39)

27 [$\overline{pp}$ 27] (?) Bes 3, 39
[$\overline{pp}$ quid ergo — *fin*] Biondi Bull 29 (1916) 228 n 2
[indemnis — *fin*] gl Bes 2, 110

29 pr [pr] gl Bes 3, 132 **ca** Biondi actt arbb 203
[illud — est] Pringsheim Festschr Lenel 249
§ 1 [ut pecuniae — liberetur] Solazzi Min età 290 n 4 Kr (?) Suppl
§ 2 [an et — *fin*] (?) Siber SZ 45 (1925) 156 n 2 **ca** Haymann Arch z Pr 130 (1929) 150
§ 3 [§ 3] Bes 2, 111 **ca** Biondi a^{nes} noxales 140 n 1
[tamen] damni Mo Riccobono Ann Pal 3/4 (1917) 352 **ca** Huschke PK 47 impendit ⟨et id⟩ Huschke l c
[sic — non] Heldrich SZ 46 (1926) 428 ⟨non ita?⟩ Riccobono l c n 1
sic tamen ⟨ut ait Julianus⟩ Huschke l c
[ut ait Julianus] Huschke l c
⟨sed⟩ ut ait Julianus [sed] Biondi actt arbb 126 n 1 Kr Riccobono l c
[sed ne — *fin*] Heldrich l c

30 pr [iudicium] ⟨formulam⟩ Busz litis contestatio 34 n 1
[vel ipse — dictavit] Bes 4, 192 Beseler (?) SZ 43 (1922) 545

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30 § 1 [praecedentes — comprehendendas] Biondi actt arbb 148 sq Riccobono Ann Pal 3/4 (1917) 352 Kr Nov Suppl Guarneri Citati Bull 33 (1923) 221 n 7

31 pr [dabimus]; [ceterum — *fin*] Riccobono Ann Pal 3/4 (1917) 353

§ 1 [pp § 1) Biondi actt arbb 148

§ 5 [omnes ad — debeant] ⟨singuli hac formula agere possint⟩; omnes [consentire] ⟨sub eodem iudice agere⟩; [ad redhibendum — *fin*] Beseler Tijdschrift 8 (1928) 303
[dareque — procuratorem] (?) *vel* gl (?) Redenti Arch giur 79 (1907) 114

§ 6 ⟨ut⟩ pretium [autem]; [recipient] ⟨recipiant⟩; [sed — accessionis]; et si [quo] ⟨ab emptore⟩; [nisi — *fin*] Beseler l c

§ 7 et ⟨is⟩ sit Beseler l c
[et sit — redhibitionis] Beseler SZ 45 (1925) 441
[nec — *fin*] Beseler Tijdschrift l c
⟨unus ex eis pro parte sua redhibere potest⟩ Beseler SZ l c

§ 8 [pp § 8] (?) Perozzi Ist^2 2, 278 n 1
[Marcellus] Beseler Tijdschrift l c
[tradat] ⟨mancipio servum det⟩ Kerr Wylie Solidarity 304
[et hoc in emptoribus] ⟨idem et in pluribus emptoris heredibus⟩ Beseler Tijdschrift l c
[emptoribus ⟨emptoris heredibus⟩ Kr
emptoribus ⟨pluribus⟩ Huschke PK 47
⟨pluribus quorum singulorum in solidum venditor intuitus sit personam⟩ Kerr Wylie l c
emptor ⟨qui partis petat praestationem in totum pretium⟩ Kerr Wylie l c

§ 9 [pp § 9] de Senarclens RH 6 (1927) 415
[culpa vel dolo]; [aequum esse — *fin*] ⟨solum eum arbitrio iudicis id praestare debere⟩ Beseler Tijdschrift l c
[procuratorem] ⟨cognitorem⟩ Frese Stud Bonfante 4, 418 n 81. 425 n 107
[tunc — *fin*] Berger Teilgskl 115 sqq Kr (?) Suppl
[et hoc solutum est] gl Lenel 1778
'et hoc' *genuin* Huschke PK 48
[hoc solutum est] (?) VJR 3, 199, 36 gl (?) VJR 5, 617, 28

§ 10 [si servus — a singulis] Kerr Wylie Solidarity 305
[venierit] ⟨vendiderit⟩; [plures — emantur] ⟨plures ab uno unum vel plura mancipia emant⟩ Huschke PK 48

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31 § 10 [vel plura — emantur] gl ⟨emant?⟩ Ribbentrop Correal - Obligationen (1831) 159 n 16 Lenel 1778 Kr Suppl
[item — *fin*] Kerr Wylie l c

§ 11 [et — *fin*] gl Beseler SZ 45 (1925) 441
[et praestentur] ⟨ut praestantur⟩ Huschke PK 48

§ 12 [pp § 12] De Medio Bull 18 (1906) 280 n 2 **ca** *genuin* Binding SZ 39 (1918) 13
[omnem] (?) Seckel s v culpa 113 Kübler Berl Festg Gierke 2, 256
[omnem] (?); [non utique — eum] (?) Lenel SZ 38 (1917) 266 sq Kr Suppl
[utique] Guarneri Citati obbl indivis 1, 38 n 2
eum ⟨praestare⟩ Huschke PK 49 ⟨teneri⟩ edd
[sed — *fin*] (?) Lenel l c

§ 14 [et curatore] (?) Solazzi Min età 45 Partsch neg gest 85 n 1 **ca** Lenel SZ 35 (1914) 145
[et adicit — *fin*] (?) Kunkel SZ 45 (1925) 277 n 3
rerum ⟨permissa est eorum⟩ Huschke PK 49

§ 15 [facta — *fin*] Solazzi Arch giur 94 (1925) 84
[praestare] ⟨praestari⟩ (?) Bremer iurispr antehadr 2, 2, 99

§ 17 [In factum — competit] ? De Francisci Synall 2, 81
[In — redhibitum fuerit] ⟨?⟩ Bes 4, 79
[si — redhibitum fuerit] Siber SZ 42 (1921) 101

§ 18 [§ 18] Stoll SZ 44 (1924) 8 nn 1. 2

§ 19 [per — actionem] Biondi actt arbb 150 Kr Suppl Lenel EP^3 562 n 2 (§ 293)

§ 20 [ea — *fin*] Niedermeyer Byz neugriech Jahrb 2 (1921) 94

§ 21 [natio — idcirco] (?) Eisele SZ 11 (1890) 23
[praesumptum — infamis est] Eisele l c gl Kr
quia [natione sunt] gl; ea [natione sunt] gl VJR 4, 22, 14. 25

§ 22 [quid] ⟨mancipium⟩ Kniep praescr 165 (?) de Senarclens RH 6 (1927) 404. 415
[actio] ⟨iudicium⟩ (?) De Francisci Synall 2, 82

§ 23 [aut aliqua — *fin*] Donatuti Ann Perug 33 (1921) 410

§ 25 [emptioni] ⟨venditioni⟩ Huschke PK 49

33 pr [proinde — hoc ita] ⟨huic edicto ita locus est⟩ Beseler Tijdschrift 8 (1928) 303

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33 pr [nam iure — fuerit dictum] Haymann Haftg 76 (**ca** Stintzing Krit Viert 51 (1913) 556); Jher Jb 79 (1928) 109
[nam iure — fuerint] Seckel-Levy SZ 47 (1927) 124 sqq cf Heldrich Verschulden 21 n 6
si certum ⟨servi⟩ corpus; [nam] ⟨proinde⟩ si Beseler l c
[non] debet Haymann Haftg l c
[quia — nec hoc] Haymann l c Beseler l c
aedilium [non] Haymann l c
sed peculium ⟨ideoque quale est peculium⟩ Lenel 1786
[tale — oportere] Mo ⟨quale est praestare oportet⟩ Huschke PK 49
[circa — peculio] Beseler l c Bes 3, 48
[puto — *fin*] Beseler Tijdschrift l c
[nisi — *fin*] Eisele SZ 10 (1889) 314 Gradenwitz Itpp 215 Haymann l c Kr Lenel 1786 Seckel s v nisi 368 VJR 4, 158, 31 cf Guarneri Citati Bull 33 (1924) 219 n (220) [ʻid quod actum est']
[nisi — specialiter] (?) VJR 5, 442, 3

§ 1 [res] ⟨servus⟩; [rei] ⟨servo⟩ de Senarclens RH 6 (1927) 416

34 pr [res] ⟨servi⟩ de Senarclens l c

§ 1 [§ 1] (?) Bes 3, 202

35 [35] (?) Perozzi Ist^2 1, 201 n 1
[$\overline{pp}$ 35] De Francisci Fil 40 (1915) 28 Bonfante corso 1, 151 n 3
[$\overline{pp}$ vel ad — vel contra] Jörs RE 5, 527
[et in personas — coniunctas] Buckland slavery 67

37 [37] Beseler SZ 45 (1925) 467
[ut ecce — denuntiant] Bes 2, 93 Kr Suppl
[$\overline{pp}$ ut ecce — esse] Eisele SZ 11 (1890) 23

38 § 7 [sed enim]; [adeo — habilis] Beseler SZ 45 (1925) 468
[nisi — inbecilliora] Eisele SZ 10 (1889) 314 Kr Seckel s v nisi 368 Beseler l c VJR (?) 4, 144, 39
[et ideo] ⟨nam etiam⟩; vitiosum ⟨quamvis generare non possit⟩ Beseler l c
[sicuti — sanus est] Bremer iurispr antehadr 1, 345
[sed si — actionem] De Medio Bull 16 (1904) 71 Kr Suppl

§ 11 [hoc — venditionem] gl Lenel (?) 1793 Kr

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38 § 11 [et in actione — edicto] ⟨et in hac formula et in superiore edicto ?⟩ Lenel l c ⟨in formula⟩ Lenel EP^3 566 n 4 (§ 294) Vincent édiles 262 *et* n 2 ⟨et in formula et in edicto⟩ Rudorff *apud* Kr Levy SZ 36 (1915) 22 n 3
[in actione] VJR 1, 128, 47
[actione] ⟨formula⟩ Rudorff ZRG 3, 49 Kr Wlassak (?) Edict und Klageform 98

§ 14 [in quare — separantur] Bes 2, 74 Kr (?) Suppl
[vel par] solum par ⟨?⟩ Eisele SZ 35 (1914) 5 n 3

39 [39] (?) Perozzi Ist ^{2} 1, 201 n 1

40 pr [pr] (?) Perozzi l c

§ 1 [vel minorem] Cuiac 1, 272 A = Not Inst 4, 9, 1 n 6 Kalb Jber klass Alt 134 (1908) 100 Lenel EP^3 566 n 7 (§ 295) Scialoja Dig Mil; Bull 13 (1900) 83

42 [solidi ducenti] (?) VJR 5, 607, 2
[solidi ducenti] ⟨HS XX ?⟩ an ⟨HS$\overline{CC}$?⟩ Lenel 1796 ⟨sestertiorum ducentorum milium⟩ Lenel EP^3 566 n 11 (§ 295)
[solidi] Kr
[condemnetur] ⟨iudicium dabimus ut condemnetur⟩ Lenel l c

43 [$\overline{pp}$ 43] Hellmann Krit Viert 30 (1888) 233

pr [cessum] ⟨cessim se⟩ (?) Schloßmann in iure cess 63 n 1

§ 2 [licet — *fin*] Bes 2, 40

§ 3 [$\overline{pp}$ § 3] Albertario Riv dir comm 21, 1 (1923) 498 n 2
[vel — ignorans] Pernice Labeo 2, 1, 374 n 4
[nisi — *fin*] Pernice l c Pringsheim SZ 42 (1921) 285

§ 5 [est]; [aliter — *fin*] Bes 3, 86 Kr Suppl

§ 6 [§ 6] Biondi actt arbb 142
[$\overline{pp}$ § 6] (?) Bes 3, 158
[id — minoris] gl Lenel 837 Kr
[id — minoris] Meylan a° praescr verb 115 n 1

§ 7 [redhibuerit — fraudare] ⟨non redhibuerit ?⟩ Kr
[non — fraudare] Solazzi Stud e doc 22 (1901) 366 n 1

§ 9 [$\overline{pp}$ § 9]; *s g* Seckel-Levy SZ 47 (1927) 240 n 1
[redhibitoria actio] Beseler Tijdschrift 8 (1928) 304

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43 § 9 [actio] Mo ⟨actione⟩ Huschke PK 52 Segrè (?) Mél Girard 2, 578 n 1 (579) ⟨formula⟩ Erman SZ 25 (1904) 329 n 1
inutiliter ⟨hac formula⟩ Beseler 1 c perfecta ⟨est⟩; [arbitrio — potest]; [etsi — fuerit] Vassalli Bull 27 (1914) 217 n 1

§ 10 [aliquid] ⟨servum⟩ de Senarclens RH 6 (1927) 416 ⟨hominem⟩ Albertario Riv dir comm 27, 1 (1929) 247

44 pr [pr] Haymann Haftg 74 sq Seckel-Levy SZ 47 (1927) 125 Lenel EP^3 564 (§ 293) π? Donatuti Ann Perug 33 (1921) 391
[iustissime] Donatuti 1 c
[ei] ⟨alii⟩; [quae — esset]; [aut]; [aut iure civili]; [propter — accedere] Bes 3, 152 Kr Suppl
[ridiculum — accedere] Rotondi att i frode 111 n 120

§ 1 [potius] Mo Lenel EP^3 564 (§ 293)

§ 2 [in — aestimatoria] Lenel 845 Kr

45 [$\overline{pp}$ 45] Biondi actt arbb 121; a^{nes} noxales 62 Kr Suppl **ca** Riccobono Ann Pal 3/4 (1917) 351 n 2 Vincent édiles 102 de Senarclens RH 6 (1927) 596 (?)
[redhibitoria — condemnationem] Lenel EP^3 556 sqq (§ 293) Levy Stud Bonfante 2, 286 (**ca** Levy Konk 1, 138 sqq)
[duplicem] ⟨dupli⟩; [modo enim — venditor] Siber röm PrivR 202
venditor ⟨?⟩ Levy Konk 1, 138 Wlassak Jud bef 153
si ⟨superiore casu?⟩ neque Levy Konk 1 c
[si vero — *fin*] Pernice (?) Labeo 2, 2, 1, 249 n 6 Kr Suppl Levy Konk Wlassak Lenel Siber ll cc
[videtur] ⟨iubetur⟩ Schulz SZ 33 (1912) 59 n 4
[videtur condemnari] gl Huschke Nex 209

48 pr [pr] Biondi actt arbb 140 n 2 (cf Eck Festg Georg Beseler (1885) 171); Bull 29 (1916) 244

§ 2 [non] Levy Konk 1, 142

§ 6 § 6 *a Iustinianis male contractam esse putat* Lenel 708 n 4 Kr Suppl de Senarclens RH 6 (1927) 398 sq
[non — competunt] Haymann Haftg 38

§ 7 [praedicere] ⟨praescribere⟩ Schloßmann praescr 15 Bes 3, 203

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49 [49] Haymann Haftg 39 Seckel-Levy SZ 47 (1927) 125 et n 1 Jörs röm PrivR 163
[$\overline{pp}$ 49] Riccobono Bull 20 (1908) 97 Kr Suppl Lenel EP^3 554 n 2 (§ 293) de Senarclens RH 6 (1927) 400 sqq
[etiam — sit] Bes 3, 140
[et benignum — *fin*] Albertario Bull 33 (1923) 67 Kr (?) Dig

51 pr [omnimodo] Schulz SZ 33 (1912) 44 sq Kr Suppl Guarneri Citati obbl indivis 1, 77 n Albertario form Fab 36; delictum 39
[ut — *fin*] Schulz 1 c Kr Suppl Albertario 1 c
[et certum — emerit] Solazzi Riv It sc giur 50 (1911) 230 n 1
[quia — debet] Albertario Riv dir comm 21, 1 (1923) 500 n 3
[delictum — admiserit] Schulz 1 c Rotondi Scr giur 2, 393 n 3

§ 1 [mandati vel] Albertario Stud Pavia 6 (1921) 111 n 8 Donatuti Ann Perug 33 (1921) 680 Solazzi (?) Rend Lomb 56 (1923) 143
[non] putabat Schloßmann Stellvertr 2, 272 n

53 [$\overline{pp}$ 53] (?) Pernice Labeo 1, 71 n 14. 76 n 30

54 [bonis condicionibus] gl Beseler Tijschrift 8 (1928) 304 **ca** Seckel-Levy SZ 47 (1927) 240

57 pr venditor ⟨pretium⟩ *ins* Dig Mil cum Bas

58 inscr [quinto] ⟨sexto⟩ Lenel 1492 Kr

pr [non prius — praestiterit] Heldrich SZ 46 (1926) 429
[nisi — *fin*] Huvelin (?) furtum 1, 697 n 4 Guarneri Citati (?) Ann Pal 3 (1916) 445 Biondi a^{nes} noxales 140 sq

§ 1 *nil mutari vult* Lenel 1492

61 [$\overline{pp}$ 61] De Medio Bull 16 (1904) 153 *Ulpianum de auctoritate egisse censet* De Medio 1 c Girard mél 2, 165. 169 n 1; tantum ⟨et alterum ?⟩; [quanti — *fin*] Girard 1 c 297 n 1

62 [etenim — patiatur] Brassloff Wien Stud 33 (1911) 139 sq Bes 3, 42 Kr Suppl
[quando — interveniat] Brassloff Philologus 72 (1913) 304
[quid ergo si] gl Pringsheim Festschr Lenel 215 n 3
[quid ergo] Biondi Bull 29 (1916) 228 n 2
[rebus] ⟨servis⟩ venalibus de Senarclens RH 6 (1927) 405 sq

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62 [sane — *fin*] De Medio Bull 16 (1904) 86 Bes l c Kr Suppl

63 [63] Lenel EP³ 554 n 2 (§ 293) De Medio l c 159 n 1 Riccobono Bull 20 (1908) 97 Biondi actt arbb 131 n 2 Bes 3, 132 Buckland text-book 489 n 16 Jörs röm PrivR 163 Seckel-Levy SZ 47 (1927) 125 et n 1 de Senarclens RH 6 (1927) 396 sqq. 401
[63] π Bes 4, 195
[pp 63] Kniep praescr 165 (?) Haymann SZ 41 (1920) 67 n 3
[sciendum est] Pringsheim Festschr Lenel 249
[non tantum — rerum] Haymann Haftg 38 Pflüger sec Kr VJR (?) 4, 214, 15
[verum — rerum] ⟨verum etiam iumentorum ceterorumque pecudum⟩ Ferrini obbl 732
[quia non — *fin*] Haymann Haftg l c

64 § 1 [de omnibus] Bremer iurispr antehadr 2, 1, 141
§ 2 [ibidem] ⟨—⟩ Jörs RE 5, 521

65 pr [pr] Bes 3, 76

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1 inscr [octavo] ⟨nono⟩ (?) Lenel 2719

1 [habet — venditorem]; [regressum — quantitate]; [erit regressus]; [aestimabitur — *fin*] Gradenwitz Itpp 82 **ca** Lenel SZ 9 (1888) 179

4 pr ⟨—⟩ Illud Lenel 930 n 2 **ca** Girard mél 2, 257 n 2
[nisi — *fin*] Eisele SZ 10 (1889) 315 Seckel s v nisi 368 Kr cf Guarneri Citati Bull 33 (1923) 219 n (220)
[nisi] (?) VJR 4, 144, 39
[nominatim] (?) VJR 4, 202, 29
§ 1 [pp § 1] (?) Solazzi Bull 24 (1911) 146 cf Girard l c
actionem ⟨auctoritatis⟩ Lenel 930

6 [pro evictione] Lenel EP³ 568 n 1 (§ 296)

7 *genuin* Rechnitz Julian 62
num locus ad fiduciam spectet dubitat contra Lenel SZ 3 (1882) 178 Oertmann fiduc 27 sq
⟨nec⟩ ex empto; [et] ⟨nec⟩ Beseler SZ 46 (1926) 273
[ex stipulatu — evictione] ⟨ex auctoritate⟩ Girard mél 2, 175 n 1 cf 184 n 4. 265 n 1

8 [quanti — quare]; [agi — potest]; [ut habeat] Rechnitz Julian 20. 72

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9 [pp 9] Jörs röm PrivR 161 n 3
[actionem pro evictione] ⟨auctoritatem⟩ Lenel 826; EP³ 545 n 3 (§ 290) Kr Seckel s v evincere 177 Girard mél 2, 164 n 3. 176 n 2. 205 n 1
[pro evictione] ⟨de auctoritate⟩ Ferrini obbl 735; Pand 691 n 3
[sed — *fin*] Pernice (?) Labeo 2, 1, 268 n 2 Ferrini l c Rabel Haftung 1, 77 Di Marzo Bull 15 (1903) 116 Bes 2, 93 Schulz SZ 38 (1917) 126 Kr Lenel EP³ l c Girard mél 2, 261 n 1
[decurrendum est] (?) VJR 2, 115, 44

10 *Celsum de mancipatione et auctoritate egisse suspicatus est* Lenel 232 Girard mél 169 n 1. 177 n 1
⟨ergo⟩siquis; [quem — haberet] Girard l c 200 n 2
⟨in iure⟩ cesserit Lenel (?) l c Jörs RE 5, 533
[cesserit] ⟨mancipaverit⟩; [evictionis] ⟨auctoritatis⟩ Girard l c
[ceteris — *fin*] Kr ⟨auctoritatis nomine ceteris non mancipantibus?⟩ Lenel l c cf Stella Maranca Celso 159 Seckel s v evincere 177; s v mancipare 330
[cedentibus]⟨mancipantibus⟩Girard l c

11 [pp 11] Konstantinovitch periculum 132
pr [pr] Haymann SZ 41 (1920) 144
[pp pr] Konstantinovitch l c 271 n 9 Paris responsabilité 255 sq
⟨—⟩ Konstantinovitch l c 271 sqq
emit et ⟨possessione tradita⟩ Haymann l c 139
quaero an ⟨pretium peti⟩ [huius — pertinere] possit; [futuros — ideo] Beseler Tijdschrift 8 (1928) 304
[futuros — pertinere] Guarneri Citati Ann Pal 8 (1921) 435
[futuros — emptionem] Bes 3, 48
⟨id quod post traditionem accidisset⟩ Haymann l c Konstantinovitch l c 271 sqq
[futuros casus] ⟨futuras causas⟩; *rell genuin* Appleton RH 5 (1926) 407 n 2. 407 sqq
[futuros] ⟨fortuitos⟩ (?); [evictionis] Schulz Krit Viert 50 (1912) 49 sqq
[post contractam emptionem] gl Seckel-Levy SZ 47 (1927) 154 n 1. 231 sq
'et ideo' — *fin genuin* Guarneri Citati Ann Pal 8 (1921) 431 n 2
[proponuntur] ⟨proponerentur⟩ Haymann l c Beseler Tijdschrift l c
peti ⟨non⟩ posse Bes 3, 48

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13 *Paulum de auctoritate egisse censet* Girard mél 169 n 1. 179 n 3. 296 n 1
[venditionis] ⟨evictionis⟩; [non — *fin*] ⟨cum venderetur⟩ Maynz droit romain[4] 2, § 212 n 41. 45 **ca** Scialoja Arch giur 30 (1883) 176

14 *Ulpianum de auctoritate egisse censet* Girard mél l c

15 *Paulum de auctoritate egisse censet* Girard l c

§ 1 *Paulum de auctoritate egisse censet* De Medio Bull 16 (1904) 153 n 1

16 § 2 [p̄p̄ § 2] Pernice Labeo 2, 1, 447 n 3
[quaeritur Proculus] ⟨—⟩ Lenel 559
evictus sit cum ⟨in bonis vel ex utroque iure⟩ Huschke PK 59 ⟨si anno eum possedissem⟩ Lenel l c Bremer iurispr antehadr 2, 2, 148
tum cum ⟨ex nudo iure Quiritium⟩ *aut*⟨mancipatione tantum⟩ Huschke l c
[in eo enim — deterior est] (?) Gradenwitz Itpp 232
casu quo ⟨in bonis vel ex utroque iure⟩ Huschke l c ⟨si anno eum possedissem⟩ Lenel l c Bremer l c
factus [est] ⟨esset⟩ Lenel l c **ca** Nottarp Bonner Festschr Bergbohm 147
[quod fugitivus sit] Mo gl Lenel(?) l c Nottarp (?) l c 153
interfuerit [eum — *fin*] gl Nottarp l c 153 n 2 ⟨fugitivum non esse sanum esse erronem non esse⟩ (?) Lenel l c

17 [vindicantem — conatur] Beseler SZ 45 (1925) 247
[venditorem — vendidit] Guarneri Citati obbl indivis 1, 141 n 1
[doli]; [nemini — est]; quamvis ⟨postea ab⟩ Beseler SZ 43 (1922) 540
[quamvis — quaesierit] (?) Levy Konk 2, VI
iure ⟨quam hereditario⟩ (?) Segrè Stud Brugi 397 n 1
[improbe — conatur] Beseler SZ 43 l c
[stipulationis] ⟨auctoritatis⟩ ? Girard mél 174 n 1 cf 179 n 4. 260 n 1

18 *Paulum de auctoritate egisse censet* Girard mél 2, 179 n 3. 260 n 1
[p̄p̄ 18] Biondi actt arbb 138
[aut — evictus sit] Segrè Stud Brugi 397 sqq Biondi l c 138 Betti opposizione dell' exceptio all' actio 41 Levy Konk 2, 125 n 5
minus ⟨servus⟩ Huschke PK 61
[quoque] Biondi l c Betti l c Levy l c

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19 *Ulpianum de auctoritate egisse censet* Girard mél 2, 169 n 1. 179 n 4. 263 n 2

§ 1 [quasi liberum] Beseler SZ 45 (1925) 441

20 [pro evictione] VJR (?) 2, 617, 12 ⟨secundum mancipium ?⟩ Lenel 565 Kr
[contra te] (?) VJR 1, 994, 48

21 pr [pr] (?) Buckland text-book 485 n 3
[p̄p̄ pr] Rabel Haftung 94 Pringsheim SZ 41 (1920) 255 n 4
[quia — *fin*] Pernice Labeo 2, 1, 223 n 3 Kr
[factum — sortis] (?) VJR 3, 278, 44; 5, 639, 36
[de — *fin*] De Medio Bull 16 (1904) 75 sq

§ 2 [et ideo] ⟨idem⟩ Beseler SZ 45 (1925) 468
[prope — *fin*] Steiner dat in sol 71
[id est — aestimatione] Kr Levy SZ 42 (1921) 482 n 8 **T** *aut* gl ? Eisele SZ 11 (1890) 9

§ 3 [p̄p̄ § 3] Haymann Haftg 86 **ca** Stintzing Krit Viert 51 (1913) 551
statim ⟨cum litis aestimationem optulit⟩; [inquit] ⟨evicti et⟩ Huschke PK 63

22 pr [p̄p̄ pr] Solazzi (?) Bull 24 (1911) 147 n 6

§ 1 [pro evictione] VJR (?) 2, 617, 11
⟨secundum mancipium⟩ Lenel 326 Kr
[fideiussores] Kr
[emptionis] ⟨evictionis⟩ Lenel l c

23 [regressus — stipulationem] Gradenwitz Itpp 83 Lenel 2728 **ca** Scherillo Bull 36 (1928) 69 n 2 Bonfante corso 1, 316

24 [24] (?) Jörs röm PrivR 161
[ex — *fin*] De Medio Bull 16 (1904) 77 Perozzi Ist[1] 2, 226 n 3; Ist[2] 2, 283 n 1 Kr Suppl

26 [p̄p̄ 26] Kr

28 [aut committetur — *fin*] ⟨auctor tenebitur aut non tenebitur? et sic aut contrahetur aut non contrahetur auctoritas?⟩ Girard mél 2, 285 n 1 cf 165

29 § 1 [vel ipso iure]; [vel — exceptione] Riccobono Ann Pal 3/4 (1917) 597 n 3

31 stipulationem [furem — utilem esse]; hoc [enim]; [sed et] ⟨ac⟩; [multo — *fin*] Siber röm PrivR 239

32 pr [quia — videamus] (?) Bes 3, 158 Kr Suppl

§ 1 [p̄p̄ § 1] Bes 1, 56 Kr Suppl
[§ 1] Bes 3, 158
[fingamus — empturus] gl Schulz Einf 26

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33 inscr [quinquagesimo primo] ⟨quinquagesimo⟩ Bluhme ZGRW 4 (1820) 429 ⟨quadragensimo nono⟩ Kr

34 pr [nullum — regressum] Gradenwitz Itpp 82

35 [autem]; [fere] Guarneri Citati Ann Pal 11 (1924) 187 n 4

36 *genuin* Girard mél 2, 177 n 1
[nave aut]; [vel tabulae emptae] ⟨empta⟩ Riccobono Ann Pal 3/4 (1917) 471 Guarneri Citati Ann Messina 1 (1927) 48
[ideoque]; parte ⟨si nave vel domu dissoluta tabulae caementave evincantur⟩ Beseler SZ 45 (1925) 468

37 pr [$\overline{pp}$ pr] Guarneri Citati Bull 33 (1923) 219 n (220)
[nisi si — proponatur] Eisele SZ 10 (1889) 315 Seckel s v nisi 368 Kr
[nisi si specialiter] (?) VJR 4, 144, 20; 5, 442, 3
[nisi si] (?) VJR 4, 155, 42

§ 1 [$\overline{pp}$ § 1] Huschke Nex 201 n 318

§ 2 [quod — *fin*] Rabel Haftung 1, 29 n 4 Siber röm PrivR 199

38 [38] Haymann SZ 40 (1919) 309 n 1 Albertario (?) Bull 33 (1923) 27 n 3
[$\overline{pp}$ 38] Gradenwitz (?) Itpp 121 Bonfante Glück ital 21 (1898) 180 Schulz SZ 27 (1906) 92 Biondi iud b f 147 n 2 cf Beseler SZ 43 (1922) 430
[vel ad — *fin*] Guarneri Citati (?) Ann Pal 8 (1921) 385. 409 Stoll SZ 47 (1927) 521 n 3 (522)
[vel ad hoc]; [ut — *fin*] Schulz SZ 33 (1912) 52 n 1 (53) Kr Nov Suppl Heldrich Verschulden 34 **ca** Seckel s v vel 4
[cui — *fin*] (?) Kalb JL 81 n 5 Kr Bes 3, 70 cf Seckel l c
[non aequum videbitur] (?) VJR 4, 231, 51

39 *Iulianum de auctoritate egisse censet* Lenel EP² 517 Kr Suppl Girard mél 2, 164 n 3. 165. 196 Haymann Haftg 166
[$\overline{pp}$ 39] Jörs röm PrivR 160

pr π Rechnitz Julian 45
[postulabat] ⟨postulat⟩ Donatuti Ann Perug 33 (1921) 392
[sibi — in Titium] ⟨actionem⟩ Lenel EP³ 544 (§ 290) ⟨de auctoritate? actionem⟩ Lenel 735; EP² 519
[de — stipulationem] Donatuti l c ⟨de auctoritate actionem⟩ Kr Seckel s v evincere 177 ⟨auctoritatis actionem⟩ Girard mél 2, 164 n 3. 256 n 1

D de evictionibus et duplae stipulatione 21, 2

39 pr [respondi — *fin*] Donatuti l c
[evictionem restitui] (?) VJR 5, 181, 3
[evictionem] ⟨auctoritatem⟩ Lenel l c Kr Girard l c

§ 1 [§ 1] π De Francisci translatio 23; trasferimento 185 Rechnitz l c
[et tu — fueris] Rabel Haftung 1, 28 n 1 Girard mél 2, 224 n 1 Beseler SZ 45 (1925) 468
[servum] ⟨hominem ex iure Quiritium suum esse⟩; [ideo] Beseler l c
[quod — potuisset] ⟨—⟩ De Francisci trasferimento 185 Beseler l c
[in tradendo — tua] ⟨in mancipio⟩ Mitteis SZ 21 (1900) 208 Lenel *apud* Mitteis SZ 25 (1904) 381 n 1; RPR 1, 208 n 16 (209) ⟨mancipando⟩ Kr Girard l c
[in tradendo] ⟨in iure cedendo⟩ Naber Mnem 37 (1909) 300 n 10
[in tradendo] ⟨—⟩ (?) Kniep Gai comment 2, 237. 238
[tradendo] ⟨mancipio⟩ Lenel 735; EP³ 545 (§ 290) Seckel s v mancipium 330
[sine voluntate tua] (?) VJR 5, 564, 14
[ei]; [quare — tuus] ⟨ ⟩; [ex stipulatu] Beseler l c
[stipulatu] ⟨auctoritate⟩ Girard l c
[alias — *fin*] Beseler l c
[et duplam stipuletur] Girard l c
[evictione] ⟨auctoritate?⟩ Seckel s v evincere 177
[sin autem servus] (?) VJR 5, 557, 44. 53

§ 2 [$\overline{pp}$ § 2] π Rechnitz l c 48
[si quidem — acceperas petitus fuerit] (?); ⟨mancipio⟩ acceperas *bis* Lenel EP³ 544 (§ 290)
[tradiderat] Kr ⟨mancipio dederat⟩ Lenel 735 et l c Girard mél 2, 251 n 1
[evictionem] ⟨auctoritatem⟩ Lenel Kr Girard ll cc

§ 3 [§ 3] Haymann Haftg 166 π Rechnitz l c 35
emptori ⟨cum filium esse⟩ (?) Cugia tirocin industr 92
an [evictionis] ⟨auctoritatis⟩ Lenel 735; EP² 519; EP³ 545 (§ 290) Kr Schulz SZ 38 (1917) 121 n 2 Cugia l c Girard mél 2, 177 n 1. 220 n 2
[qui — etiam] Cugia l c
vendat [evictionis] ⟨auctoritatis⟩ Lenel l c Pernice Labeo 3, 1, 117 Kr Schulz Cugia Girard ll cc Rechnitz l c 35

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39 § 3 servum ⟨ignoranti emptori eum liberum esse?⟩ vendiderit Cugia l c
vendiderit [evictionis] ⟨auctoritatis⟩ Lenel Schulz Girard ll cc

§ 4 *genuin* Rechnitz l c 94
[tradit] ⟨mancipio dat⟩ Lenel 735 EP^{2} 519 Kr ⟨mancipavit⟩ Lenel EP^{3} 544 (§ 290) ⟨mancipat⟩ Longo mancipatio 154 n 23 Girard mél 2, 177 n 1. 268 n 2 cf Bonfante corso 2, 2, 145 n 4
[evictionis] ⟨auctoritatis⟩ Lenel l c Kr Girard l c cf Bonfante l c

§ 5 [tradit] Kr ⟨mancipio dat⟩ Lenel 735; EP^{2} 519 ⟨mancipat⟩ Lenel EP^{3} 544 (§ 290) Seckel s v mancipare 329 Girard mél 2, 238 n 1
[tradendo] Kr ⟨mancipio⟩ Lenel 735; EP^{2} 519 ⟨mancipando⟩ Lenel EP^{3} l c Seckel l c Girard l c
recte ⟨auctoritatem⟩ Lenel EP^{2} 519; EP^{3} l c Guarneri Citati obbl indivis 1, 117 n 2 Girard l c 164 n 3

40 [de evictione] ⟨secundum mancipium⟩ Kr Lenel (?) 737; EP^{3} 547 sq (§ 290) Rechnitz Julian 45 Cuq manuel 462 n 6
confestim [fideiussores] ⟨sponsores⟩ (?); adversus [fideiussores] ⟨sponsores⟩ (?) Lenel 737
[quia — *fin*] Rechnitz l c

41 pr pr *non Pauli esse suspicatur* Bes 4, 335

§ 1 § 1 *non Pauli esse suspicatur* Bes 4, 335
[$\overline{pp}$ § 1] Schulz SZ 38 (1917) 126 **ca** Scherillo Bull 36 (1928) 69 n 2
[his — *fin*] De Medio Bull 16 (1904) 77 Kr Suppl Bes l c

§ 2 [fideiussoribus] *bis* ⟨sponsoribus⟩ (?); [fideiussores] *bis* ⟨sponsores⟩ (?) Lenel 847

42 [tradita] ⟨mancipata⟩; [venditor — conveniri] ⟨auctor laudari non potest⟩; [venditus] ⟨mancipatus⟩ Girard mél 2, 252 n 1

43 [duplae stipulatione] ⟨satisdatio ne secundum mancipium⟩ (?) Lenel EP^{3} 547 sq (§ 290)

44 quicquam ⟨navi⟩ Bonfante corso 2, 140 n 1

45 [tradiderat] ⟨mancipio dederat⟩ Lenel 63 Seckel s v mancipare 329

46 pr *Africanum de auctoritate egisse censet* Girard mél 2, 168. 169 n 1
[tradidi] Kr ⟨mancipio dedi⟩ Lenel 63
[de evictione convenire] ⟨laudare auctorem⟩ Girard l c 205 n 5. 207 n 2

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46 **§ 1** [$\overline{pp}$ § 1] Huschke Nex 183 n 273
constitueris [evictionis] ⟨auctoritatis⟩ Lenel 63 Kr Seckel s v evincere 177 Girard l c 198 n 1 Jörs röm PrivR 164
[constitueris] ⟨mancipaveris⟩ [constituentis] ⟨mancipantis⟩; [concessa] ⟨mancipata⟩ Girard l c
concederetur [evictionis] ⟨auctoritatis⟩ Lenel l c Kr Seckel l c Jörs l c
[concederetur] ⟨mancipet⟩; [evictionis obligationem] ⟨auctoritatem⟩ Girard l c

§ 2 [an — *fin*] Haymann Haftg 12 $\overline{pp}$ **ca** Partsch SZ 33 (1912) 605 n 1 Girard mél 2, 241 n 1
an [evictionis nomine] ⟨auctor⟩ Girard NRH 36 (1912) 569 sqq n; mél 2, 241 n 1; an [evictionis] ⟨auctoritatis⟩ Lenel 63 Kr Seckel s v evincere 177
respondit [non] Girard mél l c
[non — *fin*] ⟨—⟩ Girard NRH l c Kr Suppl
eum ⟨—⟩; [cum prius — *fin*] ⟨—⟩ Girard mél l c
[quam — nomine] ⟨quae auctoritatem?⟩ Lenel l c quam [evictionis] ⟨auctoritatis⟩ Kr Seckel l c

§ 3 [$\overline{pp}$ § 3] Stintzing Krit Viert 51 (1913) 542
[magis — *fin*] Haymann Haftg 9 sqq Kr Suppl **ca** Girard mél 2, 242 n 2

48 *Neratium de auctoritate egisse censet* De Medio Bull 16 (1904) 154 Girard mél 2, 169 n 1. 174 n 1. 178 n 1
[nam — *fin*] Bes 3, 203; 4, 140

50 [extra ordinem sententias sequentes] Biondi Stud Bonfante 4, 83

51 [$\overline{pp}$ 51] De Francisci translatio 28; trasferimento 238

pr *Ulpianum de auctoritate egisse censet* De Medio l c Girard mél 2, 284 n 2
[aut errorem]; [negamus — perierit] Bes 4, 140
[quid — perierit] Pringsheim SZ 42 (1921) 659
[quid refert] Pringsheim Festschr Lenel 215 n 1
[enim] Bes l c

§ 1 *compilatores hunc locum in breve coegisse videntur* Lenel EP^{3} 545 (§ 290)
[an — et] Bes 4, 195
[stipulatio — interposita] ⟨auctoritas⟩ Girard mél 2, 264 n 1
[committi — *fin*] ⟨de auctoritate agi posse⟩ Bes l c

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51 § 1 [committi stipulationem] ⟨auctoritatem contrahi⟩ Girard l c
enim [Titius] ⟨Titio⟩ (?) Lenel 1743; EP^3 545 (§ 290)
[enim — evictione] ⟨Titio denuntiari auctoritas⟩ Girard mél 2, 164 n 3
[denuntiari pro evictione] ⟨auctor laudari⟩ Girard mél 2, 264 n 1
[pro evictione] ⟨auctoritas⟩ Lenel l c Kr Seckel (?) s v evincere 177

§ 2 [de evictione] Bes 4, 195 ⟨de auctoritate⟩ Lenel 1743; EP^3 545 (§ 290) Kr Seckel l c ⟨auctoritatis *vel* de auctoritate⟩ Girard mél 2, 205 n 1
[hoc casu — *fin*] Bes l c
[proprietatem] ⟨auctoritatem⟩ Girard mél 2, 205 n 1 cf 261 n 2

§ 3 [§ 3] gl Bes 4, 195 **ca** Levy Konk 2, 240 n 2
[$\overline{pp}$ § 3] Levy l c
[evictione] ⟨auctoritate⟩ Girard mél 2, 264 n 1

§ 4 [in — teneantur] ⟨in provincia auctoritatis nomine sponsores exstiterint⟩ Beseler SZ 46 (1926) 95
[in solidum] Guarneri Citati obbl indivis 1, 132 Girard mél 2, 229 n 2
solidum ⟨auctoritatis⟩ Betti eff estint 16
[pro evictione] Levy Konk 2, 238 ⟨de auctoritate?⟩ Lenel 1743; EP^3 545 (§ 290) Kr Girard mél 2, 164 n 3 ⟨auctoritatis nomine⟩ Guarneri Citati l c Betti D 42, 1, 63 p 248
[evictione]⟨auctoritate⟩ Pernice Labeo 3, 117 n 4
teneantur ⟨omnibusque litem denuntiavero⟩ Betti l c ⟨—⟩ Guarneri Citati l c
[deinde — expertus] Girard l c
exceptione ⟨rei iudicatae vel in iudicium deductae⟩ Beseler l c Guarneri Citati (?) l c Betti l c

52 [duplae stipulatio] ⟨satisdatio secundum mancipium⟩ (?) Lenel EP^3 547 sq (§ 290)

53 *Paulum de satisdatione secundum mancipium egisse putat* Lenel EP^3 547 sq (§ 290)

pr [traditio] Lenel 828 Kr

§ 1 [hoc — et] Guarneri Citati Ann Perug 37 (1924) estr 32

54 pr [longi — vel] Lenel 368 Partsch l t praescr 85 n 3. 86 n 2 Kr Girard mél 2, 267 n 1
[evictione] ⟨auctoritate⟩ Girard l c

D de evictionibus et duplae stipulatione 21, 2

54 § 1 [$\overline{pp}$ § 1] Girard mél 2, 169 n 1. 177 n 1. 247 n 1
[ex — servus] Haymann Haftg 8 Kr Suppl
[si modo — servus] De Medio Bull 16 (1904) 45 n 1 Stintzing Krit Viert 51 (1913) 542
[talis] Guarneri Citati obbl indivis 1, 50 n 1 (51)
[evictionis] ⟨auctoritatis⟩ Lenel 368; EP § 290 Kr Seckel s v evincere 177 Girard l c

55 pr [quid ergo — *fin*] Schulz Einf 24 sq Kr Suppl

56 pr fuerit ⟨in⟩; [simpla promittatur vel] Lenel EP^3 567 n 5 (§ 296)
[vel triplum — promitteretur] Guarneri Citati Ann Pal 8 (1921) 399 n 1
[nisi — *fin*] Eisele SZ 10 (1889) 315 Kr Seckel s v nisi 368 VJR 4, 147, 49

§ 7 [etiam]; auctoritate ⟨non⟩; [si — apparet]; [benignius — esse] Albertario Bull 33 (1923) 74

57 pr [fiscum] Solazzi Stud Pavia 9 (1925) 28

§ 1 [$\overline{pp}$ § 1] Guarneri Citati Bull 32 (1922) 242
[quod — est] ⟨sed⟩ Bes 2, 86
[legatave] Guarneri Citati l c; obbl indivis 1, 218 n 1; SZ 47 (1927) 563
[scilicet — legaverit] ⟨—⟩ Rabel Haftung 1, 74 n 1
[aut legaverit] Guarneri Citati l c

59 [nisi — *fin*] Bes 3, 186 Kr Suppl Girard mél 2, 265 n 2 cf 171 n 2. 184 n 2
[vel — *fin*] Lenel 331 Ferrini legati 298 Kr Manigk pfandr Unt 1, 1, 83; RE 9, 367 s v hypotheca Fehr Pfandr 58 Erman Mél Girard 1, 421 n 3 VJR 1, 639, 22
[hypothecas habet] (?) VJR 3, 21, 27. 281, 8

60 [et — *fin*] Rabel Haftung 1, 139 Longo Stud Scialoja 1, 630 Kr Viard pactes 54 n 2 VJR (?) 3, 234, 32; 4, 24, 9

61 [tradideris] ⟨mancipio dederis⟩ Rabel Haftung 1, 98 n 3
[de evictione] ⟨auctoritatis⟩ Rabel l c ⟨de auctoritate⟩ Girard (?) mél 2, 215 n 1. n 2
[tradidissem] ⟨mancipio dedissem⟩ Rabel l c

62 [$\overline{pp}$ 62] Jörs röm PrivR 160

pr [rem — evictionis] ⟨—, auctoritatis⟩ Bes 4, 211

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ED.

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26 [nisi — *fin*] Perozzi Ist^2 1, 683 n 2 Bonfante (?) corso 2, 1, 161 n 1

27 [27] (?) Beseler SZ 45 (1925) 468

28 [statim — *fin*] (?) Kniep Gai comment 2, 1, 138. 307 **ca** Pampaloni Bull 22 (1910) 136
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§ 1 [absurdum — *fin*] Ferrini Pand 254 n 2 Perozzi Ist ^{2} 589 n 1 Pacchioni corso dir rom ^{2} 2, 469 n 871 **ca** Bonfante corso 2, 1, 163 n 3 Scialoja proprietà 113

29 [*pp* 29] (?) Partsch SZ 42 (1921) 266 n 1

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[*pp* cum — *fin*] (?) Vassalli l c

§ 1 [cum etiam — *fin*] Bes 2, 88; 3, 62 **ca** Genzmer SZ 44 (1924) 120 n 4

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34 [*pp* 34] Cuq inst 2, 572 n 4
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38 pr [pr] Albertario Riv dir proc civ 5 (1928) 202 n 5

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7 [*pp* 7] Savigny Syst 3, 351 sq Ferrini Pand 718 n 4 **ca** Vangerow Pand⁷ 1, 126

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[quia — *fin*] Beseler SZ 45 (1925) 442

9 § 1 [pp § 1] (?) Ratti Bull 35 (1927) 126
[si — revertatur] Faber iur Pap 9, 4, 5 (430) Bechmann postlim 19 Segrè Riv It sc giur 30 (1900) 40 n 3 (41) Mitteis RPR 131 n 18 Kr Bonfante corso 1, 199 n 2 (*erratum* 6 § 1); Ist[8] 178 n 1 (*erratum* D 13, 2)
⟨non⟩ potest Bonfante corso l c

10 [quid — *fin*] Faber Segrè ll cc Kr (*ubi falso citatur* Cuiacius) Rabel Grundz 412 n 3 Ratti l c Levy Gedächtnisschr Seckel 159 n 4
[et si — *fin*] Cuiac 5, 541 A = Recit sol Paul ed 35 adhl; 6, 413 C = Recit sol Iul Dig 62 *ad* D 23, 2, 11 VJR (?) 2, 1, 140, 27 Bes 4, 160 Solazzi Arch giur 94 (1925) 79 Bonfante corso 1, 199 n 2
[triennium] Wissenbach embl 53 Biondi tribonianismi 15
[postquam — sit] H Krüger Arch lat Lex 10 (1898) 250

11 [vel absit] Cuiac ll cc Lenel (?) 757 Cuq inst 2, 172 n 6 Segrè (?) l c (cf *infra*)
[vel absit — patris] Bechmann postlim 19 Segrè (?) l c Di Marzo lez matrimonio 52 Beseler SZ 45 (1925) 442
[ante triennium] Bonfante corso 1, 199 n 2
[ante — patris] Faber iur Pap 9, 4, 5 (430) Kr (*ubi falso citatur* Cuiacius) Bonfante Ist[8] 178 n 1 Ratti Bull 35 (1927) 125
[triennium] Wissenbach embl 53
[vel absentiae] Cuiac Lenel (?) Cuq Segrè ll cc
[vel si — nupserit] Segrè Di Marzo Beseler ll cc
[puto — contrahi] Faber l c Di Marzo l c Bonfante (?) corso 1, 199 n 2
[vel nuptias] Beseler l c Ratti l c
[dummodo — *fin*] Faber l c Segrè (?) l c Kr Beseler Bonfante Ratti ll cc
[vel filia — nubat] Di Marzo l c

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12 pr [adrogavi] ⟨adoptavi⟩ Bergman Adoptionsrecht 105 **ca** Peters SZ 33 (1912) 586
§ 4 [cognata — eius] (?); [quia — haberent] Beseler SZ 45 (1925) 442
13 inscr ʿquartoʾ: quinto *scr* (?) Kr
ʿSabinumʾ: edictum *scr* (?) Lenel 2795
13 [$\overline{pp}$ 13] Seckel s v saltem Bonfante corso 1, 205 n 5
[officio — *fin*] (?) Lenel 2795
14 § 1 [quae — est] gl Lenel 526
§ 2 [idem — *fin*] Coli saggi crit 1, 23 n 4
[unde — uxorem ducere] gl *aut* T Faber iur Pap 9, 2, 1 (366); 9, 6, 1 (458) **ca** Di Marzo lez matrimonio 40 Bonfante corso 1, 204 n 1 Perozzi Ist[2] 1, 314 n 4
§ 3 [§3] Faber Di Marzo ll cc Bonfante l c n2 ⟨non⟩ idem; [quod — constitutum est]; [et contra — *fin*] Bes 3, 14 cf 62
[cum — *fin*] Kr Suppl
[sed — *fin*] Kübler Comment Wölfflin 206
§ 4 [$\overline{pp}$ § 4] Bes 4, 195 Perozzi l c 342 n 4
[nunc — liceat ducere] Seckel-Levy SZ 47 (1927) 156 n 5
15 [matrimonium] ⟨manum⟩ Cuiac 1, 319 = Ulp reg 9; 4, 1309 C = Pap resp 11 Wissenbach embl 55 Albertario SZ 31 (1910) 169 Biondi tribonianismi 15
17 pr [Per — ideoque]; [aeque — *fin*] Beseler SZ 45 (1925) 469
§ 1 [§ 1] Gruppe SZ 17 (1896) 320 Beseler l c Perozzi Ist[2] 1, 362 n 4
19 inscr [sexto] (?) Kr
19 [$\overline{pp}$ 19] Jörs lex Iul (diss) 13 n 1; röm Priv R 196 n 1 Rabel Grundz 514 n 4
[liberos quos] ⟨filias neptesve quas⟩ Moriaud Mél Girard 2, 291. 307 Castelli Fil 38 (1913) 57 = Bull 26 (1913) 164 = Scr giur 1, 130 Di Marzo lez matrimonio 48 Kr Suppl Bonfante corso 1, 299 cf 199 n 4; Ist[8] 178 n 3 Perozzi Ist[2] 1, 319 n 1
[ducere uxores vel] Moriaud Castelli Bonfante Perozzi ll cc
[vel qui — volunt] Castelli Di Marzo Kr ll cc Bonfante l c; Ist[8] 196 n 1 Perozzi l c 384 n 1 ⟨—⟩ Bes 3, 14
⟨per praetorem urbanum vel⟩ ex Moriaud Castelli Bonfante corso ll cc *sim* Kr Suppl
ʿproconsulesʾ: praetorem *scr* Heineccius ad l Iul et PP 1, 5, II (p 64 *ed* 1766)

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19 [praesidesque] Bonfante corso l c (?)
[praesidesque provinciarum] Bes 3, 14
⟨legatosve⟩ Solazzi Arch giur 100 (1928) 6
⟨eas⟩ collocare Bes l c
[et dotare] Castelli Bes Di Marzo Kr Bonfante Perozzi ll cc
20 inscr [Severi] ⟨Marci Antonini⟩ Kr cf Lenel 1066 Solazzi Min età 35; Att Tor 51 (1915/16) 771
20 [curatoris] ⟨tutoris⟩ *bis* Raevardus 1, 263 = coniect 2, 15 cf 2, 38 = variorum 2, 10 Partsch neg gestio 91 n 3 Bonfante corso 1, 200 n 3 *et* 6 **ca** *genuin* Solazzi Min età 134; (?) Att Tor l c Lenel SZ 35 (1914) 155 n 1
22 [$\overline{pp}$ 22] Ferrini Pand 219 Beseler SZ 44 (1924) 394 Bonfante corso 1, 198 n 5
[contraxit — *fin*] Schulz SZ 43 (1922) 192
24 [$\overline{pp}$ 24] (?) Ferrini Pand 872
[liberae] ⟨ingenuae⟩ Castelli Bull 27 (1914) 71 n = Scr giur 1, 163 n 1 Perozzi Ist[2] 1, 374 n 2 Albertario Rend Lomb 62 (1929) 811
liberae ⟨et ingenuae⟩ Bonfante *lez dir fam 2, 6; corso 1, 189
26 [vivente (F[2]) marito] Bonfante corso 1, 205 n 1
29 [hoc — *fin*] Bremer iurispr antehadr 2, 1, 267
31 inscr ʿsextoʾ: tertio *scr* Kr
33 [plerique opinantur]; [maxime — reddiderit] Levy Ehescheidung 87
34 pr [generali] gl(?); [qui — consenserit] Solazzi Bull 34 (1925) 4
36 [$\overline{pp}$ 36] Gradenwitz SZ 16 (1895) 124
[vel curator] Raevardus 2, 39 = variorum 2, 10 Wissenbach embl 56 Kr Solazzi Min età 45 Bonfante corso 1, 205 n 9 **ca** Albertario SZ 33 (1912) 249 n 1
[adultam] ⟨pupillam⟩ Albertario l c Solazzi l c *et* 286 Kr Suppl
[nisi — *fin*] Bonfante l c
37 [curatoris] ⟨tutoris⟩ Raevardus 2, 40 = variorum 2, 10 Solazzi l c 51
38 pr [quamvis — *fin*] Hotomanus opp 1, 2, 410 = resp amic 2, 11 Koschaker SZ 33 (1912) 391 Di Marzo lez matrimonio 31 Bonfante corso 1, 228 n 4 cf 205 n 10. 229 n 2. 381 n 2 Perozzi Ist[2] 1, 356 n 3 cf 345 n 1. 359 n 1
[ita — *fin*] Riccobono Stud Fadda 1, 305 = Arch giur 76 (1906) 468 Kr

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38 pr [arris — *fin*] Wissenbach embl 57 Ferrini Pand 868 n 1
43 § 1 [hoc — dilectu] gl Bes 2, 47
§ 10 [senatori] ⟨ingenuo⟩ Lenel 1981
44 inscr ‘primo’: secundo *scr* (?) Lenel 929
§ 6 [iniquissimum — *fin*] Bonfante corso 1, 204 n 7. 240 n 2
[et — *fin*] Bes 3, 87 Kr Suppl Solazzi Bull 34 (1925) 318
45 pr [In — dicit] (?) Solazzi l c 299 n 1
[In — posse] Levy Ehescheidung 138
§ 5 [patrono] ⟨eo⟩ Levy l c n 8
[nec si — *fin*] gl Levy Gedächtnisschr Seckel 150 n 2
§ 6 [$\overline{pp}$ § 6] Solazzi Bull 34 (1925) 300
[esse — *fin*] ⟨?⟩ Beseler SZ 45 (1925) 198
[durare — *fin*] Bonfante corso 1, 242 n 3
[durare — libertae matrimonium] (?); [dissolutum — *fin*] ⟨liberta connubium (*sic*) haberet⟩ Ratti Bull 35 (1927) 153
[aliam] ⟨veram⟩ Mitteis RPR 1, 131 n 19 ⟨iustam⟩ Perozzi Ist [2] 1, 273 n 1 **ca** Ratti Riv It sc giur NS 1 (1926) 184
46 [recte] Ferrini Rend Lomb 34 (1901) 318 Kr
50 [dicitur] (?) Solazzi Bull 34 (1925) 298 n 3
⟨recte⟩ puto [quia — arbitrio] Bes 3, 77 Albertario Stud Pavia 5 (1919) 91; Rend Lomb 59 (1926) 443 n 3
51 § 1 [et — *fin*] Beseler SZ 45 (1925) 469
52 [52] gl Beseler l c
54 [sororem] Cuiac 9, 446 B = Recit sol Cod 5, 5 Albertario SZ 31 (1910) 169
55 § 1 [aut neptem — filio] Kr VJR (?) 4, 1, 108, 40
57 a Divi *scr* Mo; ZRG 9 (1870) 105 = jur Schr 2, 162
[cum — concurrunt] Bes 2, 86
58 [actionem] ⟨retentionem⟩ (?) Zanzucchi Riv It sc giur 47 (1910) 8 n 4 (*erratum* 62)
[nulla] ⟨caduca⟩ (?) Lenel Pal 2, 647 n 3
59 [$\overline{pp}$ 59] Perozzi Ist [2] 1, 344 n 3
60 inscr Divorum *scr* Mo l c (cf 57 a)
[$\overline{pp}$ 60] Perozzi Ist [2] 1, 344 n 3
pr [pupilla — aut] (?); [hos] ⟨eum⟩ Ratti Bull 35 (1927) 146 n 3 ⟨hunc⟩ Solazzi ist tut 8 n 2
§ 1 [$\overline{pp}$ § 1] Faber iur Pap 9, 1, 11 (342) [fideiusserit] ⟨spoponderit⟩ (?) Lenel 1067 Solazzi Min età 148 **ca** Levy spons 5 n 7. 147 n 2
[vel curatore]; [et — *fin*] Kr Solazzi l c

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60 **§ 2** [$\overline{pp}$ § 2] Faber l c
[sed — *fin*] Ascoli Stud e doc 11, 134 Binder Korrealobl 343 Benigni Arch giur 73 (1904) 504 Kr Peters SZ 32 (1911) 230 n 1 Levy SZ 37 (1916) 72 Solazzi Riv It sc giur 54 (1914) 70 n 1 Bonfante corso 1, 465 n 3; Ist [8] 221 n 3 Lecomte tuteurs 144 n 23
§ 4 [quaestio — ducit] Beseler SZ 45 (1925) 469
[nam si — ducit] Bes 3, 140
[et ideo — *fin*] Beseler SZ l c
[sed mihi — *fin*] Faber l c Bes 3, 140 Albertario Stud Pavia 5 (1919) 90 Kr Suppl
§ 5 [tamen — *fin*] (?) Riccobono Arch giur 76 (1906) 469 = Stud Fadda 1, 305; Mél Fitting 2, 489 n 80 Kr Suppl **ca** *s g* Bonfante corso 1, 228 n 3
§ 6 [$\overline{pp}$ § 6] Faber l c **ca** Bergman Adoptionsrecht 9 n 2. 145 n 1
[quia — obliviscuntur] (?) Kr
§ 7 [$\overline{pp}$ § 7] Faber l c **ca** Bergman l c 9 n 2
§ 8 [$\overline{pp}$ § 8] Faber l c
61 [exceptis — solent] Schulz SZ 34 (1913) 91 Kr Suppl *s g* Riccobono Ann Pal 3/4 (1917) 371 n cf Bonfante corso 1, 364 n 3
[de dote] ⟨rei uxoriae⟩ Lenel 367 Kr [redditurus] ⟨retenturus⟩ Naber Mnem NS 21 (1893) 140
62 pr [cum — *fin*] Bes 3, 63 Kr Suppl Solazzi Att Tor 51 (1915/16) 773 n 1
§ 2 [pupillae] (?) Solazzi Att Ven 75, 2 (1916) 1602
[ante — eius] Noodt opp 2, 382 a = comm ad h t Lenel 496 Kr Solazzi Min età 133 ⟨ante vicesimum sextum annum⟩ Solazzi Att Ven l c 1603
63 [$\overline{pp}$ 63] Pernice Labeo 3, 1, 37
[cum — *fin*] Faber iur Pap 9, 1, 12 (353) Bonfante corso 1, 205 n 10
[si — supersit (Mo)]; [pecuniam tamen — *fin*] Bortolucci a° utilis 25
65 § 1 [§ 1] cf C 5, 4, 6 Beseler SZ 45 (1925) 469
⟨susceptos⟩ natos⟨que⟩ Kr
[ex — matrimonio] gl Mo ⟨ex isto m.⟩ Dig Mil **ca** Di Marzo lez matrimonio 61
66 [$\overline{pp}$ 66] Perozzi Ist [2] 1, 550 n 1
pr [vel curator] Kr Solazzi Min età 49 Seckel-Kübler (?) iur anteiust 2, 1, 52 **ca** Peters SZ 32 (1911) 301 n Albertario SZ 33 (1912) 249

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66 pr [intra — annum] Albertario l c
[non desponsam — *fin*] Bonfante corso 1, 205 n 9

§ 1 [curatoris] ⟨tutoris⟩ Solazzi l c 51 Seckel-Kübler (?) l c
[satis incivile] Kr Seckel-Kübler (?) l c

67 § 1 [sed etsi — *fin*] H Krüger SZ 19 (1898) 55 VJR (?) 1, 526, 35. 861, 43. 967, 29. 970, 21. 995, 43; 3, 1, 277, 1; 4, 1, 159, 38 Gradenwitz SZ 26 (1905) 363 Kr Pringsheim SZ 42 (1921) 654 Frese SZ 43 (1922) 468 n 1 Bonfante corso 1, 205 n 9 *alii*
[summae — intuitu] Solazzi Bull 34 (1925) 309 n 1

§ 2 [vel curator] Solazzi Min età 47 Kr Suppl

§ 3 [pp § 3] Faber iur Pap 9, 1, 11 (345) Bonfante corso 1, 205 n 9
[et si — curator est] Solazzi l c Kr (?) Suppl

§ 4 [§ 4] (?) Bes 4, 89
bonis[que] ⟨ve⟩ (?) Solazzi Riv It sc giur 54 (1914) 278 n 1
[nec curatore] Solazzi Min età 43 Lenel SZ 35 (1914) 145 Kr Suppl

§ 5 [vel — gessit] Perozzi Ist [2] 2, 25 n 2
[curator] Solazzi Min età 47

68 [cuius — *fin*] Beseler SZ 45 (1925) 477
[circa — contrahitur] Bes 3, 49 Kr Suppl Perozzi Ist [2] 1, 342 n 1

74 [pp 74] Di Marzo *lez matrimonio 46 sqq cf Perozzi l c 338 n 4

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actioni ⟨rei uxoriae⟩, *ubicumque de ea actum erat,* actionem [dotis] *vel* [de dote] *a Triboniano substitutam esse primus vidit* Pellat dot 10 n 4 (11)

4 [non alia dos] gl Beseler SZ 45 (1925) 442

5 pr [patre vel] Siber röm Priv R 303

§ 1 [pp § 1] Solazzi Rend Lomb 56 (1923) 740 n 2

§ 2 ʻsextoʼ: septimo *scr* Lenel Marcell 80

§ 4 [pp § 4] Ratti Bull 35 (1927) 121

§ 5 [forte — vindicare] Perozzi Ist [2] 2, 481 n 2

§ 6 [non quasi — sed] Bremer iurispr antehadr 2, 2, 346

§ 9 [pp § 9] Beseler SZ 45 (1925) 442
[rectissime — civili] gl (?) Lenel 2751; T (?) VJR 1, 751, 7
[rectissime — tenetur] Pernice Labeo 3, 1, 200 n 2 Kr De Francisci Synall 2, 16

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5 § 9 [rectissime — *fin*] Riccobono SZ 34 (1913) 212 Kr Suppl

§ 12 [curator] ⟨tutor⟩; [curatorem] ⟨tutorem⟩ Solazzi Bull (?) 23 (1911) 125 n 1; Min età 134 n 3 Kr Suppl Bonfante corso 1, 413 n 1

§ 13 ʻnonoʼ: octavo *scr* Lenel Iul 296; Ulp 2751; EP [3] 303 n 10 (§ 113)

§ 14 [distinguit] gl ⟨ait⟩ Beseler SZ 45 (1925) 442
[et dotem dederit] Solazzi Bull 34 (1925) 7 n 13
[potuit — dotem] gl (?) Solazzi l c
[remittendo — dotem] gl ⟨remittere⟩ Beseler l c

6 pr [pr] Riccobono Riv dir civ 3 (1911) 49 n 9 Kr Suppl Cuq manuel [2] 185 n 6 **ça** Baviera Mél Girard 1, 91 n 2
[solacii loco] H Krüger capitis dem 1, 272 n 13

§ 2 [quia — *fin*] Biondi iud b f 201 n 1 Albertario Bull 31 (1921) 13 n 1
[bono et aequo] De Francisci Rend Lomb 48 (1915) 305
[aut lucrari — *fin*] Riccobono l c 56 n 2 ⟨—⟩ (?) Solazzi Rend Lomb 61 (1928) 350 n 1 (352)

7 pr [pr] Beseler SZ 45 (1925) 454
[Dotis — suggerit] Bortolucci Bull 20 (1908) 38 Zanzucchi (?) Riv It sc giur 47 (1910) 282 n 1
[aequitas — percipere] Albertario Rend Lomb 58 (1925) 86. 810 n 1 Bonfante (?) corso 1, 291 n 2

§ 1 [nisi — *fin*] Albertario Fil 36 (1911) 813 Kr Suppl

§ 3 [pp § 3] Hotomanus opp 1, 1, 879 = quaest ill 11 Pellat dot 73 Biondi iud b f 47 *alii π* Bes 4, 309
[in dote] ⟨dotis causa⟩ (?) Schulz Sab 72
dote⟨m⟩; [fiunt — *fin*] Albertario Rend Lomb l c 249
[quid — *fin*] Haymann Schenkung 128 n
siquidem [sic — fiant] ⟨mancipavit⟩; enimvero . . . [dedit] ⟨tradidit⟩ (?) Siber Pass Leg 48 (*bis?*)
[nuntio remisso] *bis* Manns Poenitenzr 59
[sed — *fin*] Vassalli (?) Bull 27 (1914) 206 n 1 Kr Nov Suppl Kaden SZ 44 (1924) 183 n 3
[ante nuntium remissum] (?) Manns l c

8 [8] Albertario Rend Lomb l c
[pp 8] Bonfante corso 1, 310 Perozzi Ist [2] 1, 381 n 1

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8 [nisi — fuerit] Eisele SZ 13 (1892) 152 Seckel s v nisi 368 Kr

9 pr [pr] *π* Bes 4, 309
[pp pr] Haymann Schenkung 127 n1 Kr Schulz Festschr Zitelmann (1913) 4 Rabel Grundz 504 n 4 Perozzi l c
[licet — datae] (?) VJR 4, 1, 219, 44
[quod si — *fin*] Albertario Rend Lomb 58 (1925) 249
[utrum — *fin*] (?) VJR 5, 2, 368, 32. 37

§ 1 [pp § 1] Dernburg Pand [8] 1, 197 n 5 Mitteis RPR 1, 169 n 6 VJR (?) l c
[si res — fatendum est] *π* (?) De Francisci trasferimento 194
res ⟨mancipi⟩ Savigny Verm Schr 1, 370
[et vereor — fatendum est] Haymann SZ 41 (1920) 95; Jher Jb 77 (1927) 204 n Siber röm Priv R 422 n 18 **ca** *genuin* Bonfante corso 1, 310. 513
[in dominio] Perozzi *apud* Vassalli Bull 27 (1914) 268 Kr Suppl
[quia — dedit] Manns Poenitenzr 60 Bonfante corso 6, 153 n 1 gl Lenel 2757 **ca** Brini Mem Bol 1, 1 (1908) 25
[a quo — fatendum est] (?) Vassalli l c
[sed benignius — *fin*] Faber coni 8, 9 (2371); error 45, 3 (960) Pellat dot 82 Lenel l c Eisele SZ 13 (1892) 127 Kr De Francisci l c Bonfante corso 1, 312. 513; 6, 153 *plerique* **ca** pp *genuin* Brini l c

§ 3 [pp § 3] Pampaloni Riv It sc giur 52 (1912) 163 Castelli Scr giur 83 n 1 Rabel Grundz 515 n 1 Kr Suppl Betti Bull 34 (1925) 283 n 1 Bonfante corso 1, 375 gl *et* T Perozzi Ist [2] 1, 409 n 1
⟨veluti peculio⟩ dentur; [in ea — appellant] Castelli l c 67. 73
[quae Graeci — dicunt] Bonfante Ist [8] 206 n 1 gl De Francisci Synall 2, 339
[dotis] ⟨rei uxoriae⟩ Lenel 2759 Kr
[quasi — sed quia] Riccobono SZ 34 (1913) 250 Schulz Einf 73 n 2
[quasi — chirographum eius]; [in domum eius se — negetur] De Francisci trasferimento 195
[et plerumque — *fin*] Dumont donations 169 n 3
[rerum amotarum] ⟨furti⟩ *bis* Zanzucchi Riv It sc giur 42 (1906) 5 Castelli l c 83
[an mandati]; [vel mandati] Castelli l c 83
[si animo — retineat] Pringsheim SZ 42 (1921) 283
[amoventis] ⟨furandi⟩; [amovere]

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9 § 3 ⟨contrectare⟩ Zanzucchi l c Castelli l c 83
[si non — *fin*] Bes 1, 25 Pringsheim l c

10 pr [eorum] ⟨eius⟩ Betti lit aest 1, 51 n 75

§§ 4. 5 cf Perozzi Ist [2] 1, 381 n 3

§ 4 [dotales — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 258
[namque — condicionem] Bes 2, 58 Seckel-Levy SZ 47 (1927) 176
[vera] ⟨pura⟩ Bes l c Kr Suppl Dumont donations 110 n 5

§ 5 [§ 5] Haymann SZ 41 (1920) 85 **ca** Rabel SZ 42 (1921) 547 n 1
[quaeri potest] ⟨—⟩ (?) Seckel-Levy l c
[an mulieris] ⟨cuius⟩ Beseler SZ 45 (1925) 259
[hoc — venditionem] Beseler ll cc gl Seckel-Levy l c
[hoc — nam] Appleton RH 6 (1927) 196 n 1
[consequens — dicere] ⟨aiunt Cassiani⟩ (?) Seckel-Levy l c
[mulieri] ⟨viro ea⟩ Beseler l c
[quia nondum — venditio] Vassalli Bull 27 (1914) 218 n 1 Beseler l c
[quia nondum — *fin*] Schulz Krit Viert 50 (1912) 74 Kr Suppl
[quia aestimatio — *fin*] Bes 2, 58 Seckel-Levy l c gl Lenel 2783 Appleton l c Bonfante corso 1, 309 n 3

12 pr [pp pr] Beseler SZ 45 (1925) 469

§ 1 [pp § 1] Beseler l c Solazzi Rend Lomb 61 (1928) 350 n 1
[si quidem in — est] erit Biondi Il dir comm 4, 2 (1912) 15 n; actt arbb 90 Kr Suppl
[si quidem — aestimavit]; [enimvero — vivit] Partsch SZ42 (1921) 271
[si quidem — *fin*] Albertario Bull 31 (1921) 11

13 [constantius — actionem] (?) Solazzi Arch giur 94 (1925) 75 n 2
[constantius — *fin*] Levy Ehescheidung 12 n 6 (13)

14 inscr 'edictum': Sabinum *scr* Bluhme ZGRW 4 (1820) 430 Lenel 2787; EP [3] 303 n 6 (§ 113) Kr

14 [14] Haymann SZ 41 (1920) 130 *s g* Grosso Riv It sc giur NS 3 (1928) 79 n 4
[rem] ⟨—⟩ (?) Seckel-Levy l c ⟨mancipi⟩ Beseler Tijdschrift 8 (1928) 305
⟨mancipio⟩ dederit Beseler l c; *vel* [in]; [dederit] ⟨dixerit⟩ (?) Seckel-Levy l c

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14 [in dotem dederit] ⟨doti dixerit⟩ Hotomanus opp 1, 1, 879 = quaest ill 11 *sim* Appleton (?) RH 6 (1927) 195
[moram — traditione] ⟨res ante traditionem⟩ Beseler l c
[in rerum — desierit] Schulz Krit Viert 50 (1912) 51

15 [eam — stetisset] ⟨?⟩ Beseler Tijdschrift 8 (1928) 305
[quia — *fin*] Schulz Krit Viert 50 (1912) 51 Beseler l c gl *vel* π Seckel-Levy SZ 47 (1927) 260

16 vir[um]; agere ⟨potest⟩ Beseler SZ 45 (1925) 257
[dotis] ⟨rei uxoriae⟩ Lenel 2788 Kr
[dotis actione]; [ei — *fin*] ⟨retinebit⟩ Beseler l c
[quae sententia — *fin*] gl Bes 2, 111 T Pringsheim SZ 41 (1920) 262 n 4 *alii*
[nec — *fin*] Grünwald Heidelb diss 1912 p 47 Levy Privatstr 112 n 7

17 pr [pr] Haymann SZ 40 (1919) 188 n 4
[tam — culpam] (?); [quia — accipit] gl Arangio-Ruiz resp 213 *et* n 1
[sed — praestabit] Bonfante *lez fam 91; *lez dir fam 2, 138 (?) cf *infra*
[sed — *fin*] Pernice (?) Labeo 2, 2, 1, 206 *Lusignani respons 2, 101 Mitteis RPR 332 n 53 Kr Rotondi Scr giur 2, 105 n 1 Haymann SZ 40 (1919) 88 n 4 Arangio-Ruiz l c Kunkel SZ 45 (1925) 289
[quam — *fin*] Seckel s v diligens 148; s v exhibere 190 Bonfante ll cc; corso 1, 333

§ 1 [sed — *fin*] ⟨?⟩ Beseler SZ 45 (1925) 259

20 [$\overline{pp}$ 20] Koschaker Stud Bonfante 4, 24

21 [fiat — *fin*] Riccobono SZ 43 (1922) 355 Kaden SZ 44 (1924) 173 n 1
[et — constat] gl Solazzi Bull 34 (1925) 8 n

22 [$\overline{pp}$ 22] Riccobono SZ 43 (1922) 355 Kaden l c

23 [$\overline{pp}$ 23] (?) Kaden l c Koschaker Festschr Hanausek 120 n 4
[datione] ⟨dictione⟩ Hotomanus opp 1, 1, 879 = quaest ill 11

24 [cuius — habet] Albertario Rend Lomb 61 (1928) 838

25 [cum — est] ⟨ei dotem dixit⟩ Pellat dot 130 Berger dotis dictio 77 Steiner dat in sol 91 Kr Suppl
[secundum — posse] Steiner l c; Grünh Z 42 (1916) 172 n 31 Kr Suppl

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26 [si hoc — sit] Bonfante corso 1, 334 n 8
[si hoc — sit]; [aut — pecuniam] Mo Dig ed mai **ca** Schirmer Arch z Pr 80 (1893) 106

27 [quod — factum]; [vel res] Lenel 2820 Bonfante l c

29 [$\overline{pp}$ 29] Bes 2, 111; SZ 47 (1927) 66 Bonfante corso 1, 307 n 1
[et si — habere] Gradenwitz Itpp 187 Lenel 2816 Kr Naber Mnem NS 53 (1925) 251 n 6

30 [dum — *fin*] Bonfante lez fam 48; corso 1, 309; Ist [8] 197 n 1 *Cugia don mort c 116 Kr Suppl Albertario Bull 32 (1922) 128 Levy Ehescheidung 12 n 5 *alii*

32 [$\overline{pp}$ 32] Riccobono Ann Pal 3/4 (1917) 412 n 3
[ex — vel] Bonfante corso 2, 1, 165. 167

33 inscr ⟨trigesimo⟩ sexto P Faber comm ad D 50, 17 p 96 Glück Pand 24, 373 n 20 Lenel 2817 Kr

33 [$\overline{pp}$ 33] Buckland Yale Law Journal 33 (1923/24) 353 Bonfante corso 1, 334 n 3
[Si extraneus — ipsam non convenerit] Bes 3, 77. 118
[maxime — condemnandos] Pampaloni Arch giur 56 (1896) 16 Levet bénéfice 112 n 38
[maxime — promiserat] Albertario Stud Pavia 5 (1919) 91 Siber SZ 49 (1929) 563
nam ⟨et⟩ si ⟨mulieri⟩; [utcumque — hoc enim] ⟨—⟩ Siber l c
[vel] pater [vel ipsa] promis[erunt] ⟨it⟩ Pampaloni l c
[quod ferendum — convenerit] Riccobono Bull 7 (1894) 262 Kr Suppl
[multo — convenerit] Pampaloni l c
[$\overline{pp}$ recte — *fin*] Pampaloni Bes Kr ll cc Albertario Rend Lomb 58 (1925) 817
[disposuit — diceret] Riccobono l c; Bull 18 (1906) 212

34 inscr ⌜trigesimo⌝: quadragesimo *scr* Pellat dot 157 Lenel 2903 Kr
⌜tertio⌝: sexto *scr* Pellat l c

34 dein⟨de⟩ Beseler SZ 45 (1925) 477 n **ca** Kalinka SZ 47 (1927) 326
[manet — et] Beseler l c 442 **ca** Dumont donations 160 n 1
[quia — *fin*] Bonfante lez dir fam 2, 118; corso 1, 318 Schulz Einf 28 Kr Suppl Beseler l c

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35 [novandi causa] Levy spons 34 Scialoja Stud Perozzi 412

36 [quomodo — causa? et] *π* Beseler SZ 45 (1925) 442
[promisit] ⟨dixit⟩ Ferrini Pand 645 n 1 **ca** Berger dotis dictio 79
[qui] ⟨—⟩ T; [illud — *fin*] *π* Beseler l c

38 [nam si — *fin*] Biondi compensazione 440 (estr 280)
[de dote] ⟨rei uxoriae⟩ Lenel 2960

39 pr [ita — *fin*] Mitteis SZ 22 (1901) 132 VJR (?) 1, 1029, 44. 1033, 44 Kr Suppl Beseler SZ 45 (1925) 442 **ca** *genuin* Kalb Jber klass Alt 134 (1907) 96

§ 1 [distinguendum — *fin*] Bonfante corso 1, 196 n 1; Rend Linc 6, 4 (1928) 278

40 [pp 40] Beseler SZ 45 (1925) 442
[non — instrumentis] ⟨dote non reddita⟩ Levy Ehescheidung 12 n 5 cf VJR 5, 1, 204, 35
[secundum — *fin*] Levy l c

41 § 1 [non] potest [magis — *fin*] Riccobono SZ 43 (1922) 355 Kaden SZ 44 (1924) 173 n 1

§ 3 [sciens] Beseler SZ 45 (1925) 443

§ 4 [promiserit] ⟨dixerit⟩; [promisisset] ⟨dixisset⟩ Ferrini Pand 645 n 1 Riccobono Stud Perozzi 362 n 2

43 pr [pp pr] Beseler SZ 45 (1925) 469
[nec — secutae]; [non — nuptiis] Vassalli Bull 27 (1914) 219 n 3

§ 1 [pp § 1] Beseler l c
[quotiens — sequetur] Vassalli l c
[nisi — *fin*] Pernice Labeo 3, 1, 275 n 2 cf 189 n 3 Kr Vassalli l c VJR (?) 4, 149, 43; 5, 2, 522, 24 Bonfante corso 2, 2, 163 n 7

§ 2 [§ 2] (?) Vassalli l c
[pp § 2] Bes 3, 159
[secutis nuptiis]; Vassalli l c
[nisi — actionem] Pernice l c 276 Kr VJR (?) 4, 149, 39; 5 l c
[et secutis nuptiis]; [sin vero — *fin*] Vassalli l c

44—46 [promisisset] ⟨dixisset⟩; [promissio] ⟨dictio⟩ *etc sim* Pellat dot ad hh ll Lenel Iul 268 sq; Tryph 29 Kr

44 § 1 [pp § 1] Koschaker Festschr Hanausek 133 n 3 Bohacek Ann Pal 11 (1923) 363 n 1 (*erratum* 43, 1)
[pacti conventi] Berger dotis dictio 93 **ca** Koschaker l c
[de dote] ⟨rei uxoriae⟩ Lenel 268 Kr

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45 § 1 [de peculio]; [ut — *fin*] Beseler SZ 45 (1925) 443

46 pr [traditione — praestet] Pernice Labeo 3, 1, 206 n 1 v Mayr SZ 25 (1904) 221 VJR (?) 1, 1076, 12 cf 1073, 38 v Koschembahr-Lyskowski cond 2, 104 Triantaphyllopulos cond inc 51 Kr
[vel pater] Berger l c
[vel donationem] Pernice v Koschembahr-Lyskowski ll cc Kr
[donationem] ⟨traditionem⟩ Naber Mnem NS 20 (1892) 102 Triantaphyllopulos l c cf Cuiac 6, 108 B = Recit sol Iul Dig 16 adhl
[ideoque — *fin*] Kr (*ubi falso citatur* Pernice)
[item — *fin*] Pernice v Koschembahr-Lyskowski ll cc **ca** HKrüger SZ 21 (1900) 429 v Mayr l c Triantaphyllopulos l c
[incerti] Trampedach SZ 17 (1896) 143
[incerti condictione] Triantaphyllopulos l c Betti Bull 28 (1915) 84 ⟨incerta formula⟩ Naber l c ⟨incerti actione⟩ v Mayr l c

§ 1 [pp § 1] Freudenthal Entwicklungsgesch 36
[vellet] ⟨volet⟩; [et si — *fin*] Beseler SZ 45 (1925) 443

48 pr [id est nuptiarum] Bremer iurispr antehadr 2, 2, 180
[ne — *fin*] Bremer l c 524

§ 1 Titio ⟨dotis⟩; [exactam — referri] Beseler SZ 45 (1925) 443 cf Bes 2, 80 'sed — factam': sed nihilo — factam et divortio — respondit *scr* Jhering Jher Jb 24 (1886) 152 n 1 Lenel 892 Bremer l c 107
[de dote] ⟨rei uxoriae⟩ Bremer l c Kr Wlassak Prozeßformel 43
[de — actione] Beseler l c
actione *scr* Mo Kr **ca** Wlassak l c
[et — factam]; [nec — *fin*] ⟨—⟩ Beseler l c cf Bes l c

49 ⟨—⟩ respondit ⟨Iulianus notat⟩ Riccobono Bull 7 (1894) 261

50 pr [pp pr] Rudorff *apud* Puchta-Krüger Inst 2, 408 n i **ca** Berger dotis dictio 79
[ex — et] Pflüger Cic p Rosc 93 Bes 3, 49 Levy Ehescheidung 13 n 3
[illud — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 443

§ 1 [§ 1] Bes 3, 49; SZ 45 (1925) 443 **ca** 'si — *fin*' *genuin* (?) Bes 3, 202

D de iure dotium 23, 3

50 § 1 [pigneraticiam] ⟨fiduciae⟩; [pignoris] ⟨fiduciae⟩; [tradidissem] ⟨mancipio dedissem⟩; [tradiderim] ⟨mancipio dederim⟩; [pigneraticia] ⟨fiduciae⟩ Gradenwitz SZ 7 (1886) 47; Itpp 197 n Lenel 101 Oertmann fiduc 40 Segrè Stud Fadda 6, 348 n 1 Kr **ca** Manigk pfandr Unt 1, 1, 17 n 2. 92
[restitueres] ⟨remancipares⟩ Kr (*ubi falso citatur* Gradenwitz) *Ratti accessorietà 18

52 [$\overline{pp}$ 52] Beseler SZ 45 (1925) 257
[alias – habeat]; [promittere] Bes 2, 119

54 inscr libro ⟨nono⟩ Lenel 48
[titulo de praediatoribus] (?) Pringsheim Festschr Lenel 270 n 3

54 [54] Bonfante corso 1, 371 n 3

55 [$\overline{pp}$ 55] Riccobono SZ 47 (1927) 84 n 1 cf Lenel 1073
[expromittitur] ⟨dicitur⟩ Pellat dot 252 **ca** *genuin* Berger dotis dictio 79
fide[iussor] ⟨promissor⟩ Pellat l c

56 pr [quamquam — *fin*] Genzmer SZ 44 (1924) 145 n 3
[dotis] ⟨rei uxoriae⟩ Lenel 1125 Kr

§ 1 [§ 1] Albertario Rend Lomb 58 (1925) 91

§ 2 [onera matrimonii] ⟨quaedam⟩ Albertario l c
[sic]ut *bis*; uxor ⟨in manu, ut tutela⟩ Albertario l c

§ 3 [$\overline{pp}$ § 3] Bonfante corso 1, 365 n 1 cf Dig Mil Beseler Stud Bonfante 2, 77
[ipso iure] Biondi compensazione 288 (estr 128)
[aut — aut] Betti (?) Bull 28 (1915) 77 Biondi iud b f 192
totus ⟨fundus⟩; [sed] ⟨et⟩; ⟨non⟩ desinere; [pecuniariam] ⟨totam⟩ Biondi iud b f 192; compensazione 327 (estr 167)
[per partes] Schulz SZ 34 (1913) 77
[nisi — obtulerit] Cuiac 3, 670 D = observ et emend 23, 12; 7, 1416 E = Recit sol D 33, 4 Pellat dot 267 Lenel 1128 Kr Schulz l c 77
[an ex — *fin*] Schulz l c 77 Kr Suppl
[data] gl Lenel 1128 cf Mo
[et magis — *fin*] Cuiac l c Pellat l c Lenel l c Kr

57 [$\overline{pp}$ 57] Lenel EP[3] 270 (§ 102)
[promiserit] ⟨dixerit⟩ *etc sim* Pellat dot 274 Lenel 147 Kr
'persecutio'; 'versum': de peculio; verso *scr* Huschke Zf Zu Pr NF 5 (1849) 106 Mo Kr

D de iure dotium 23, 3

57 [nam si — *fin*] Albertario contr crit Dig 21 cf Dig Mil
[quod si — *fin*] Gradenwitz SZ 7 (1886) 72 Lenel l c Kr
[nisi — *fin*] Seckel s v nisi 368

58 inscr 'nono decimo': undecimo *scr* Bluhme ZGRW 4 (1820) 430; nono (?) Lenel 171 Kr Stella Maranca Celso 64

pr [nisi — *fin*] gl Levy Ehescheidung 87 n 6

§ 1 [habere permisit] ⟨dixit⟩ Pellat dot 277 Berger dotis dictio 95
'nisi forte — *fin*' *s g* (?) Bonfante corso 1, 356 n 4

59 pr [promiserit] ⟨dixerit⟩ Pellat dot 281 Lenel 82 Kr
[hoc — sed] ⟨—⟩; [nec mirum]; [his — *fin*] Bes 4, 196
[promisisse] ⟨dixisse⟩ Pellat l c (?) Kr

§ 1 [§ 1] Faber rat 3, 229
[promisit] ⟨dixit⟩ Pellat l c 283 Gradenwitz Itpp 23 Lenel 82 Kr
vereor ⟨ne⟩ Bes 4, 235
[et quas — obstrictus] Gradenwitz l c De Francisci Synall 1, 71 Bes l c
[aliquis — vir potest] Bes l c
[fideicommissi — aestimationem] Gradenwitz De Francisci ll cc
[sed — *fin*] Gradenwitz l c Lenel 82 Kr
[delegatione — *fin*] Pellat dot 284 De Ruggiero Arch giur 63 (1899) 226 n 1

§ 2 [igitur — *fin*] Pernice Labeo 3, 1, 276 Kr Bes 3, 107

60 [quantae pecuniae] ⟨an⟩ Beseler SZ 45 (1925) 443 ⟨an tutor⟩ Beseler Stud Bonfante 2, 71
[promittenti] ⟨dicenti⟩ Beseler Stud Bonfante l c
[adultae] Huschke ZRG 13 (1878) 332 Solazzi Min età 287 Scaduto Ann Pal 11 (1923) 41 Beseler ll cc Albertario Riv dir comm 24, 1 (1926) 25 = Mél Cornil 1, 5
mulieri ⟨tutor auctoritatem, danti⟩ Huschke l c
[curator consensum] ⟨tutor auctoritatem⟩ Raevardus 2, 40 = variorum 2, 10 Rudorff Vorm 2, 265 n 9 Pellat dot 289 Pernice Labeo 1, 230 Lenel 92 Kr *plerique*
[curator — accommodare] ⟨auctor fieri⟩ Beseler Stud Bonfante l c
[modus — *fin*] ⟨debere⟩ Beseler ll cc Albertario l c

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60 [quousque — *fin*] Zachariae SZ 10 (1889) 278 Scaduto l c

61 pr [pr] Faber iur Pap 12, 4, 12 (783)
[*pp* pr] Ferrini Rend Lomb 34 (1901) 305 Kübler SZ 42 (1921) 526
[curator] ⟨tutor⟩ Raevardus l c Pellat dot 292 Pernice Huschke ll cc Gradenwitz Itpp 56 n 1 Lenel 5 Kr
doti ⟨tutore auctore⟩ Huschke l c
[promissum] ⟨dictum⟩ *etc sim* Gradenwitz l c Lenel 5 Kr
[et utilius — *fin*] Kr
[id quod — *fin*] Kalb RJ 23

§ 1 [*pp* § 1] Ferrini Kübler ll cc
[Iste] Pellat l c
[curator — tradere] ⟨—⟩ Lenel 5
[curator] ⟨tutor⟩ Rudorff l c n 10 Gradenwitz l c 73 Kr
[tradere] ⟨—⟩ Kr
[plerumque] Pellat l c
[sed ut — *fin*] Rudorff l c 266 n 11 Pellat l c Gradenwitz l c Lenel 5 Pernice SZ 14 (1893) 173 Kr *alii*

62 [*pp* 62] *π* Beseler SZ 45 (1925) 443

63 [ab — interposita] Levy Ehescheidung 12 n 6 (13)
[denuo — *fin*] Levy l c Beseler SZ 45 (1925) 443
[si modo — *fin*] Pampaloni Arch giur 56 (1896) 18 n 41 Bonfante corso 1, 309

64 [si — et] Beseler SZ 45 (1925) 442
[maritus] Mo Bremer iurispr antehadr 2, 2, 443
[tacite — *fin*] ⟨dos ei redintegrari potest⟩ (?) Levy Ehescheidung 12 n 5 (13) ⟨?⟩ Beseler l c

65 [quod — pertinere] Berger Philologus 73 (1914) 105 Albertario Rend Lomb 58 (1925) 832
⟨non⟩ est Albertario l c

66 [circa — mulieri] Bes 3, 49
⟨in iure⟩ cedi Pellat dot 307 Cicala Stud Sen 31 (1915) 6 n 4 Bes l c
[id — habeat] Eisele SZ 13 (1892) 140 Kr Perozzi Ist² 1, 794 n 4
[sed — fructum] quidam Perozzi l c
[remedii loco] Bes 2, 122

67 [nisi — usucapta est] Pernice Labeo 2, 1, 398 Mitteis SZ 22 (1901) 126 Ferrini Pand 416 n 1 Triantaphyllopulos cond inc 117 n 3 **ca** Kalb Jagd 26 Bonfante corso 2, 2, 269 n 1
[quod — usucepit] Pernice l c Triantaphyllopulos l c Haymann Jher Jb 77 (1927) 218 n 2. 224 n 1 **ca** *genuin* Kalb Ferrini Bonfante ll cc

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67 ʻquod — lucrifecisseʼ *genuin* Mitteis l c
[utique — usucepit]; [antequam — fieret] Mitteis l c 130 Kr

68 [cum omnis — accipiat] Kaden SZ 44 (1924) 173 n

69 § 1 [promittenda] ⟨dicenda⟩ Pellat dot 320 n 1

§ 2 ⟨—⟩ ex Beseler SZ 45 (1925) 442
[quia — coepit] Beseler l c ⟨—⟩ Levy Ehescheidung 12 n 6

§ 3 [ad — uxoris] ⟨nihilo minus dotis⟩; [improbe petit] ⟨petere potest⟩ Albertario Rend Lomb 58 (1925) 100 n Koschaker Stud Bonfante 4, 14

§ 4 *genuin* Bonfante corso 1, 313
[arbitrio — detracto] Beseler SZ 45 (1925) 443 Albertario Mél Cornil 1, 5 = Riv dir comm 24, 1 (1926) 24 Rabel (?) SZ 47 (1927) 486
⟨non⟩ valere Beseler Albertario ll cc **ca** Rabel l c
[nec — quod] ⟨cum etiam⟩ Beseler Albertario ll cc **ca** Rabel l c
[vel stipulationem] (?) Rabel l c
[cum — *fin*] Beseler Albertario ll cc

§ 5 [pro — recte] Beseler Albertario ll cc
[per tutorem] ⟨eodem tutore auctore⟩ Beseler l c
⟨non⟩ potest Beseler Albertario ll cc

§ 7 [ideoque — *fin*] Beseler SZ 45 (1925) 469

§ 9 [*pp* § 9] (?) Beseler l c

72 pr [*pp* pr] (?) Ferrini Pand 121 n 3 (122)
[eum — sed] Di Marzo Arch giur 70 (1903) 528 **ca** Bonfante Stud Scialoja 1, 565 n 3

73 pr [dotis nomine obligantur] ⟨actione rei uxoriae tenentur⟩ Perozzi Ist² 2, 24 n 1

§ 1 [*pp* § 1] Bonfante corso 1, 336
[non perditurae] Bes 2, 74; SZ 47 (1927) 59 (*erratum* 71, 1)
[non — causas] Bonfante *lez fam 96; *lez dir fam 2, 142
[non — *fin*] Albertario alimenti 31
[ob has causas] Bes l c
⟨non⟩ potest Beseler SZ l c
[potest — *fin*] Bonfante *lez fam 96; *lez dir fam 2, 142
[ut sese — *fin*] Beseler SZ l c
[ut sese — alat] Bechmann Dotalrecht 2, 170 Bes 2, 74
[ut in — *fin*] Bes l c
[aut — *fin*] Riccobono Riv dir civ 3 (1911) 49

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74 [exemplo — *fin*] Albertario Riv It sc giur 52 (1912) 45 n Kr Suppl
[quod — vertitur] Pringsheim Kauf 150 n

75 [*pp* 75] Koschaker SZ 49 (1929) 464 n 3
[mulieris — ut] Bes 4, 203 Albertario Rend Lomb 58 (1925) 814
[mulieris — et]; [ut] Albertario l c 94 **ca** *s g* Koschaker l c Bonfante (?) corso 1, 323
si ⟨mulier⟩ Bes Albertario ll cc
[inaestimatum] Albertario l c 814
ded⟨er⟩it; posse ⟨ille recte scribit⟩ Bes l c
[porro — *fin*] Albertario l c 94 gl Koschaker l c
[porro cuius]⟨quia mulieris⟩; [quodque — *fin*] Bes l c Albertario l c
[quodque — desiit] gl Gradenwitz Mél Gérardin 287; T: Kr
[cuius etiam — *fin*] gl Gradenwitz l c

76 [*pp* 76] Gradenwitz Mél Gérardin 287
[promiserit] ⟨dixerit⟩ *bis*; [promissio] ⟨dictio⟩ Pellat dot 389 **ca** *genuin* Berger dotis dictio 79
[sed — condictio est] Pflüger SZ 18 (1897) 102 v Mayr Cond 228 Bes 2, 89 Kr Suppl Albertario Rend Lomb 58 (1925) 94 Perozzi Ist^2 2, 737 n 1 **ca** Triantaphyllopulos cond inc 83
[nam ut — condictio est] Betti Bull 28 (1915) 85
[obligationis — causa] (?) VJR 1, 688, 32
[in persona mulieris] Albertario l c
[si mulier — promiserit] gl Gradenwitz l c
[matrimonii — serviat] ⟨matrimonium sit⟩ Albertario l c

77 [dotem] ⟨doti⟩ Kr
[promisisset] ⟨dixisset⟩ Pellat dot 393 Lenel 36 Kr

78 § 1 [filiae nomine]; [habebit] ⟨habebat⟩; [constituendae gratia]; [dederit] ⟨fore dixerit⟩; et ⟨filia⟩ Siber röm PrivR 305 n 18

§ 2 [quod actione — indotata erit] (?) Bes 3, 118
[dotis] ⟨rei uxoriae⟩ *ter* Lenel 41 Kr
[quod — fructum] imputari gl Lenel 41 cf Mo T: Kr

§ 3 [dotis] ⟨rei uxoriae⟩ *bis* Lenel 41 Kr

§ 4 [statuto tempore] ⟨annua, bima, trima die⟩ Gradenwitz SZ 7 (1886) 55 Lenel 41 Kr

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78 § 4 [nec audiri — restituenda] Biondi iud b f 201 n 1 Beseler Subsiciva 9

79 pr 'quia — his': qui . . . exheres *scr* (?) Lenel 221
[quia — *fin*] Bonfante corso 1, 299 n 1

§ 1 [promisit] ⟨dixit⟩ Pellat dot 419 Lenel 221 Kr
[sine — infamia]; poss[it] ⟨et⟩ Beseler SZ 45 (1925) 443

80 sponso ⟨sub condicione si nuptiae secutae fuerint⟩ Kaden SZ 44 (1924) 172
[promiserit] ⟨dixerit⟩ *etc sim* Gide novation 391 n 2 Bertolini app did 1, 34 n 1 **ca** Berger dotis dictio 79
[falsum — *fin*] Vassalli Bull 27 (1914) 225 Kaden l c Beseler jur Min 110 n 1
[*pp* quia — *fin*] Thorens novation 49

83 cf 80
[non] posse; petere ⟨—⟩ Pernice Labeo 1, 79 Lenel 222 *plerique*
[quia — *fin*] cf 80 *ad* [falsum — *fin*]

84 [immo — hoc] Beseler Stud Bonfante 2, 60
[semper hoc] (?) Bes 3, 101
⟨etiam⟩ [ceterum] Beseler Stud Bonfante l c
[manente adfinitate] Beseler ll cc Perozzi Ist^2 1, 381 n 3
[utique—*fin*] Beseler Stud Bonfante l c
[si dirempto — puto] Bes (?) 3, 101 Perozzi l c
[ex — persona] Pampaloni Arch giur 56 (1896) 10 n 17 (?)
[quid — *fin*] Bes l c Kr Suppl Perozzi l c

85 [si nulla — futura] (?) Bonfante corso 1, 336 n 7 Beseler Stud Bonfante 2, 72
[si pretium — *fin*] ⟨non recte solvi⟩ Beseler SZ 47 (1927) 59

D de pactis dotalibus 23, 4

2 ⟨quid⟩ videri [dotem remanere] gl (?) Bes 1, 83
[cum — *fin*] gl *aut* T Lenel 2596 Bonfante corso 1, 321 n 10 T Kr cf Mo

4 [*pp* 4] Albertario Rend Lomb 58 (1925) 101 n cf Bull 31 (1921) 12 n 2
'octavo': septimo *scr* Lenel Marcell 83 Kr
[prope] Koschaker Stud Bonfante 4, 15 n 51
[de dote] ⟨rei uxoriae⟩ Lenel Ulp 2753; Marcell 83 Kr

D de pactis dotalibus 23, 4

4 [et quid — *fin*] Koschaker l c
5 pr [exigatur] ⟨retineatur⟩ *et*
§§ 1, 2 [ageretur] ⟨retineretur⟩ Lenel 1776 Kr Schulz SZ 34 (1913) 96
§ 1 [ageretur] ⟨retentiones fierent⟩ Hotomanus opp 1, 1, 577 = disp de dot 5, 39
§ 2 [necessarias] Schulz l c Kr Suppl
[quia tales — *fin*] Schulz l c Kr Suppl Dumont donations 112 n 4 **ca** Grosso Riv It sc giur NS 3 (1928) 95 n 3
7 [etiam — mulieris] Bes 2, 40
8 [8] (?) Ratti Bull 35 (1927) 126. 128
[*pp* 8] Bonfante corso 1, 199 n 2
9 [*pp* 9] Bes 2, 24 Riccobono Stud Perozzi 355 Bonfante corso 1, 514 Siber röm Priv R 307
[benigna — *fin*] Dniestrzanski Aufträge 1, 279 Kr Suppl ⟨—⟩ Albertario Bull 33 (1923) 67; Rend Lomb 58 (1925) 358
10 ʿnepoteʾ: nepte *scr* Cuiac 3, 318 C = observ et emend 11, 29 Mo Lenel 720 Kr
[suscepisset] ⟨sua dixisset⟩ Cuiac l c Mo (?); Kr Bes 4, 209 **ca** Berger dotis dictio 79
[ab — peteretur] Rotondi Scr giur 2, 312. 320 Bes l c Scherillo Bull 36 (1928) 94 n 1 Perozzi Ist^{2} 1, 406 n 1
filius ⟨—⟩ Bes l c
[quippe — cavetur] Dniestrzanski Bes ll cc
Celsus ⟨libro primo digestorum⟩ Bes l c
11 [pollicitus fuerit] ⟨dixerit⟩ Landucci Arch giur 94 (1925) 51 n 1 Koschaker Stud Bonfante 4, 10
[hoc enim — *fin*] Bes 2, 71 De Francisci Synall 2, 411 n 1 Perozzi Ist^{2} 1, 406 n 1
[contemplatione — voluntatis] Albertario Rend Lomb 58 (1925) 88
[ut posterior — videatur] Koschaker l c
[fructum — separet] quod[que] Albertario l c
[si — non possit] ⟨dos⟩; [autem] Koschaker l c
12 § 1 [§ 1] gl (?) Koschaker l c 23. 24 n 82
[in quibus — *fin*] Bes 2, 71 De Francisci (?) Synall 2, 410 Perozzi Ist^{2} 1, 406 n 1
[ceterum si — *fin*] Koschaker l c
§ 2 [et acceptam — obligationem]; vel ⟨poena. itaque⟩; *fin* ⟨—⟩ Beseler SZ 44 (1924) 370

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17 [*pp* 17] Bes 2, 44
[statuto tempore] ⟨annua bima trima die⟩; [quam legibus] *bis*; [constitutum est] Cuiac 9, 507 E = Recit sol Cod 5, 13 Gradenwitz SZ 7 (1886) 55 Kr
[cuius — *fin*] Kr Suppl
18 [si — fuerit] Grosso Riv It sc giur NS 3 (1928) 94 n 1
18, 19 19 *ante* 18 *ins* Mo Bonfante corso 1, 321 n 8 **ca** Kr
20 pr [pr] *vel* [vel impensas factas] Grosso Riv It sc giur NS 3 (1928) 94
[tunc facta] Riccobono Ann Pal 3/4 (1917) 415
[id — *fin*] Kr Riccobono Grosso ll cc
§ 2 [*pp* § 2] Rotondi Scr giur 2, 311 Perozzi Ist^{2} 1, 406 n 1
ʿSi convenerit ne a — exceptionemʾ *genuin* Rotondi l c
[heres] ⟨filia, si patri heres extiterit⟩; [sed si — exigitur] Koschaker Stud Bonfante 4, 22
21 [*pp* 21] Rechnitz Julian 41. 49. 97
[cum — *fin*] Bonfante corso 1, 334 n 8
22 [*pp* 22] *s g* Koschaker Stud Bonfante 4, 8
23 [*pp* 23] Bonfante corso 1, 514 Siber röm Priv R 307
ut mortua ⟨in matrimonio⟩ Mo Riccobono Stud Perozzi 353. 357 Beseler SZ 46 (1926) 90 n
illi [aut] ⟨et⟩ Beseler l c
respondi ⟨non⟩ Riccobono l c ⟨si heredes patri exstitissent⟩ Beseler l c
[etenim — *fin*] Beseler l c
⟨filia⟩ (?) mortua Riccobono l c
redderetur ⟨—⟩ Riccobono l c
patri ⟨pro parte⟩ Mo ⟨deducta parte tertia⟩ (?) Riccobono l c
⟨neque⟩ heredi ⟨eius neque Lucio Titio⟩ Riccobono l c
26 pr [anniculum] Beseler SZ 43 (1922) 545
[quia — perisse] Ferrini Riv It sc giur 14 (1892/93) 286; Pand 88 n
§ 2 [inter contrahentes] Bes 2, 71
§ 3 [*pp* § 3] De Francisci Synall 1, 325; 2, 64
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[licet — *fin*] (?) Seckel s v utilis 609, 5 a
[licet]; [utilis — *fin*] Kr Suppl
[licet directa]; [nulla — tamen] *Bortolucci a° utilis 31 Perozzi Ist^{2} 1, 406 n 1 Koschaker Stud Bonfante 4, 3 n 2

D de pactis dotalibus 23, 4

26 § 5 [quod si — quaereretur] Haymann SZ 40 (1919) 298 n 5 Kr Nov Suppl ⟨item⟩; [autem] Levy Ehescheidung 88

27 [per dissimulationem]; [veluti — concordio]; [secundum — *fin*] Levy Ehescheidung 14 n 4 cf 13 n 3. 101 n 1

28 [pp 28] Tripiccione aº rei uxoriae 94 n 1
[vel ante — nuptias] ut Bes 3, 136 Albertario Rend Lomb 58 (1925) 93 Perozzi Ist [2] 1, 406 n 1 Koschaker Stud Bonfante 4, 18
[post nuptias vero — *fin*] Albertario l c
[cum onera — sunt] Seckel (?) s v relevare 502 Bes l c Kr Suppl Bonfante (?) corso 1, 335 n 2 Perozzi l c
[cum onera — creditorem] Koschaker l c
[mera] Bes Perozzi Koschaker ll cc **ca** Leifer Gewaltgedanke 121 n 3

29 pr [si deteriore — esset] (?) Schirmer Arch z Pr 80 (1893) 110
[dotis] ⟨rei uxoriae⟩ Lenel 243 Kr
§ 2 tene⟨re⟩tur; [cum — *fin*] Beseler SZ 43 (1922) 545

30 [pp 30] Siber röm Priv R 307
[illa coniectura] Albertario Riv dir comm 27, 1 (1929) 249 n 2
[nullo — convenisset] Albertario l c
[magis convenisset] Beseler l c
[etiam] heredi ⟨non⟩ Rotondi Scr giur 2, 321

32 pr [neque ei — oportere] Pernice *apud* Bremer iurispr antehadr 2, 1, 203; 2, 2, 434
§ 1 [promiserat] ⟨dixerat⟩ Lenel 223 **ca** Berger dotis dictio 79

D de fundo dotali 23, 5

1 pr [pp pr] Bonfante corso 2, 1, 359 n 9 (360)
[quia haec — voluntaria] De Francisci trasferimento 106 n 3

D de fundo dotali 23, 5

1 § 1 [secundum — est] Bes 3, 159

3 pr ⟨non⟩ pertinet Albertario Rend Lomb 58 (1925) 826 n 1; 59 (1926) 294
[quasi dotalis] Albertario l c 294

4 [plenius — *fin*] Albertario ll cc

7 pr [quod si — *fin*] Biondi iud b f 203 Guarneri Citati Ann Messina 1 (1927) 70 n 2. 78 n 2
[utiles — *fin*] Bes 4, 80
§ 1 [quid ergo — *fin*] Biondi l c; Bull 29 (1918) 228 n 2 Kr Nov Suppl Guarneri Citati l c 70 n 1
[de dote iudicantis] ⟨arbitri rei uxoriae⟩ Lenel 271 Kr

9 [promiserit] ⟨dixerit⟩ *etc sim* Lenel 102 Kr

10 [Erit — obligatio] Bes 4, 161

11 [quod si — *fin*] Beseler Stud Bonfante 2, 78

13 § 4 [et — possit] gl (?) Lenel 1974

14 § 2 [dotis nomine promiserit] ⟨doti dixerit⟩ Berger dotis dicto 78 Kr VJR (?) 4, 1, 192, 24 **ca** Gradenwitz Itpp 23 n 1

16 [pp 16] Alibrandi opp 1, 260 Bonfante corso 1, 330 n 3
fide [longi — quaerere] Lenel 42 Kr ⟨mancipio⟩ dedit Kr
[dedit in dotem] ⟨doti dixerit⟩ Hotomanus opp 1, 1, 879 = quaest ill 11
[in dotem] Riccobono SZ 34 (1913) 176
[eam — fit] ⟨usucapionem⟩ Lenel l c Kr
[plane — *fin*] Bes 3, 118
[longi temporis possessionem] ⟨usucapionem⟩ Lenel l c Kr

17 inscr Marcellus *scr* Hal Bluhme ZGRW 4 (1820) 438 Mo Lenel Marcell 84 Kr

18 pr [non — sed]; existimo ⟨—⟩ Riccobono Ann Pal 3/4 (1917) 410; SZ 43 (1922) 311 n 1 **ca** Bonfante corso 1, 366
[non — praestandas a muliere] ⟨—⟩ Schulz SZ 34 (1913) 72
[si tales — *fin*] Bonfante l c 2, 1, 165

DIGESTORUM LIBER XXIV

ED.

HEINRICH LANGE

D de donationibus inter virum et uxorem 24, 1

1 moribus ⟨antiquis⟩ [apud] ⟨penes⟩; receptum [est] ⟨erat⟩; valerent [hoc — receptum est] ⟨cum uxores apud viros filiarum familias loco essent. Postea D Augustus in lege Julia et Papia decimaria eas prohibuit⟩ ne ⟨coniuges⟩ Alibrandi opp 1, 596 sqq. 602 Ascoli donazioni 500 sqq Windscheid Kipp Pand [9] § 509 n 1
[$\overline{pp}$ 1] Rabel Grundz 513 n 1 Bonfante corso 1, 212 sqq Kübler Gesch röm R 128 n 6 Dumont donations 4 n 4 Steinwenter RE s v mores 2 *alii* **ca** De Medio Riv It sc giur 33 (1902) 361 sqq. 368 ⟨—⟩ divieto di donare 13 sqq Thayer on gifts 128 sq
[sed — *fin*] Solazzi Bull 37 (1929) 8 n 2

2 [ne] *corr* ⟨nec⟩ cesset Fitting SZ 26 (1905) 50 Bonfante corso 1, 212 n 2

3 pr [amorem — consulentes]; [viderentur] ⟨videretur⟩ (Hal) Bes 2, 74 **ca** Thayer on gifts 129

§ 1 *genuin* Dumont donations 33 n 1 Thayer l c 129 sq
[sed fas — deliquerunt] Pampaloni Stud Sen 17 (1900) 266 n 18 Vassalli Bull 27 (1914) 213 n Bonfante corso 1, 218 n 1 Beseler SZ 45 (1925) 470
⟨ut⟩ divus Pampaloni (?) l c ⟨et ita⟩ divus Bonfante (?) l c Vassalli l c Beseler l c
divus [tamen]; [contra] Pampaloni(?) l c Bonfante (?) l c Vassalli l c Beseler l c
[contra — *fin*] ⟨rescripsit⟩ Beseler l c
[quia non] ⟨quae⟩; [sed — *fin*] Pampaloni l c [affectione] ⟨loco⟩ Albertario Rend Lomb 62 (1929) 816

§ 2 [prohibentur — potestate] ⟨—⟩ Lenel (?) 2762 Kr Dumont l c 35 n 1

§ 4 [secundum haec] Bes 3, 159

D de donationibus inter virum et uxorem 24, 1

3 § 8 [donet] ⟨donaverit⟩; [vel — serviens]; [et in — *fin*] ⟨—. si liber homo bona fide mihi serviens donaverit uxori meae ex eis bonis quae ipsum sequi debent —⟩ Beseler SZ 45 (1925) 443 **ca** Thayer l c 131 sq

§ 9 *coni* Mo Kr sec Mommsen jur Schr 2, 122

§ 10 [sciendum — proinde] Bes 4, 318 Guarneri Citati Bull 33 (1923) 219 n 1 Thayer l c 132 ⟨nec mancipatio vel in iure cessio⟩ nec Bremer Arch z Pr 51 (1868) 179 n 23 ⟨nec mancipatio⟩ nec Lenel 2764 De Medio Riv It sc giur 33 (1902) 383 Bonfante corso 1, 216 n 1
valet ⟨nec mancipatio vel in iure cessio sed⟩ Bes l c
[ipso enim — *fin*] De Medio l c

§ 11 [apparet — fieri] Bes 4, 318 **ca** Thayer l c 132

§ 12 *genuin* Bonfante traduz Windscheid 5, 446 (cf corso 2, 2, 166) Thayer l c 133 sq
sed ⟨et⟩; debitorem [suum ei] ⟨tuum uxori tuae⟩; [iusserit] ⟨iusseris⟩; [hic — et] Bes 4, 318
[quinto decimo] ⟨?⟩ Lenel 120 Stella Maranca Celso 88 n 3
[videndum — et]; [et] *Cugia nullità 12 [dici — uxoris] ⟨nec nummi fiant eius nec debitor liberetur⟩ Bes l c **ca** Seligsohn iusta possessio 33 sq
[nam et si donatio — te accipere] Seligsohn l c 34 n 123
[nam celeritate — te accipere] ⟨sed nec tuos factos esse nummos⟩ Bes l c
[nec novum — accipere] π ? Hägerström röm Obligationsbegriff 1, 125 n
[et] furti *Cugia l c ⟨nec⟩ furti; [constat et] ⟨nec⟩ Bes l c
[et ipsam — *fin*] Haymann (?) SZ 40 (1919) 283 n 1 *Cugia l c
'nam celeritate — *fin*' *genuin* De Ruggiero Arch giur 63 (1899) 437 sq

D de donationibus inter virum et uxorem 24, 1

3 § 12 [eius — accipere] (?) *Cugia l c 12
§ 13 *genuin* Thayer l c 135
[$\overline{pp}$ § 13] Bonfante Dig Mil scripsit ⟨ait enim⟩; [ait — Julianus] Kr Bes 4, 318
[perinde — *fin*] *Cugia l c 12
[acceptum et]; [factam] Bes l c
4 *genuin* Dumont donations 125 n 2
[$\overline{pp}$ 4] Bonfante lez poss 2, 13
[neque — *fin*] *Cugia nullità 13
eram ⟨si mihi tradita esset⟩; [desinam — *fin*] ⟨non habebo⟩ Beseler SZ 45 (1925) 444 **ca** Thayer on gifts 135
5 pr *genuin* Dumont donations 40 n 1
[si quidem — *fin*] ⟨donatio non valet⟩ De Medio divieto di donare 95 sq
[si quidem — maritus]; [si vero — *fin*] Haymann SZ 41 (1920) 80 n 1
[quae — perficiatur]; [iamdudum — donationem] valere Beseler SZ 45 (1925) 469 cf Thayer on gifts 136
§ 1 *genuin* Dumont l c 118 n 2 Thayer l c 136
[plane — *fin*] *Cugia nullità 46 sq
π Beseler SZ 45 (1925) 444
§ 2 *genuin* Dumont l c 38 n 5. 134 n 2
[§ 2] gl Beseler SZ 45 (1925) 444 Cugia *nullità 6; adiectus 5 Thayer (?) l c 137
§ 5 *genuin* Dumont l c 93 n 1. 95 n 1 Thayer l c 139
[si modo — enimvero] ⟨sed⟩ si [cum — haberet] Partsch SZ 42 (1921) 266 sq Siber röm Priv R 437
venditionem [quidem] Lammfromm Teilung 144
[cum animum]; [vendendi — haberet] Pringsheim SZ 42 (1921) 325 Albertario Riv dir comm 21, 1 (1923) 500 n
[hactenus]; [quatenus — locupletior] Lammfromm l c Siber Krit Viert 55 (1922) 323 VJR (?) 3, 68, 16. 69, 10 cf Bes 3, 90
[quatenus — *fin*] Partsch l c Siber röm PrivR 437 **ca** Thayer l c 138 sq cf *Cugia nullità 29 sq
§ 6 [$\overline{pp}$ § 6] Pflüger Cic p Rosc 53 sq; Bonn Festg PKrüger 30 **ca** Dumont l c 133 n 3
§ 7 [$\overline{pp}$ § 7] Pflüger Cic p Rosc 54; Bonn Festg PKrüger 30 **ca** Dumont l c 133 n 3 Thayer l c 140 Biondi Stud Bonfante 4, 72 *exc* [valebit — *fin*]

D de donationibus inter virum et uxorem 24, 1

5 § 8 [concessa — nam]; [vel contra]; [et si quidem — venit]; [solere]; [faciet] ⟨faciat⟩; [porro — *fin*] Bes 4, 204 **ca** *genuin* De Medio divieto di donare 53
§ 9 *genuin* Dumont l c 184 n 1
[$\overline{pp}$ § 9] Haymann Freilass 31 n 1; SZ 38 (1917) 225 n 5
[haec — suadet]; [locum — intellegi] ⟨locus factus intellegitur⟩; [ceterum — donantis manet] Bes 4, 204
§ 10 *genuin* Dumont l c 184 n 2
[§ 10] Bes 3, 159; 4, 204
[sic tamen — *fin*] Haymann Freilass 31 n 1; SZ 38 (1917) 225 n 5 Kr VJR (?) 5, 523, 20 Thayer (?) l c 142
§ 11 *genuin* Dumont l c 186 n 1
[§ 11] Bes 4, 204 **ca** Thayer l c 142
[$\overline{pp}$ § 11] Haymann Freilass 31 n 1
§ 12 [ad — dei] Mo Kr Lenel 2765 Bes 4, 204 Dumont l c 187 n 2
uxori ⟨fundum⟩; [vel locum] Bes l c
[donavit vel] locum ⟨donavit⟩ Dumont l c
[opus — velut] Bes l c
[facere] ⟨faceret⟩ Lenel l c
[sed — *fin*] Bes l c
in [aede sacra] ⟨monumento⟩ Mo Kr Lenel (?) l c VJR (?) 1, 281, 23 **ca** Dumont l c 189 n 4
⌜quare — *fin*⌝ *gen exc* [oleum] ⟨donum⟩ (?) Dumont l c 189 n 4
§ 14 [§ 14] (?) De Medio divieto di donare 68 **ca** Dumont l c 194 n 2
[placet nobis] Pampaloni Arch giur 55 (1895) 515 Dumont (?) l c **ca** Thayer l c 143
§ 15 *genuin* Thayer l c 144 sq
[et rectam — *fin*] Solazzi Rend Lomb 58 (1925) 311 sq Vassalli Stud Sen 30 (1914) 44 n
[quae sententia — *fin*] De Medio divieto di donare 65 sqq PKrüger Festschr Bekker 18 VJR (?) 3, 47, 48 **ca** Dumont l c 174 n 3
[hoc ita — *fin*] Pernice Labeo 3, 255 n 6
§ 16 *genuin* Dumont l c 183 n 1
[valet] Hal Lenel 2765 gl De Medio divieto di donare 55
§ 18 *genuin* ⟨—⟩ (?) Thayer l c 146
[§ 18] Pflüger Bonn Festg PKrüger 37 **ca** Partsch SZ 32 (1911) 450
[$\overline{pp}$ § 18] De Medio Riv It sc giur 33 (1902) 391 Bes 3, 92 Betti (?) Att Tor 51 (1915/16) 1030 n

D de donationibus inter virum et uxorem 24, 1

5 § 18 [iure civili] ⟨lege Julia⟩ Alibrandi opp 1, 602 sq Bonfante corso 1, 215 n 6 **ca** De Medio l c 371 n 1
[iure — hactenus] ⟨inter virum et uxorem⟩ Siber röm Priv R 220
[ut si quidem — hactenus] (?) Pflüger Cic p Rosc 31 Kr (?) Nov Suppl Betti Att Tor 55 (1919/20) 115
[res] ⟨pecunia⟩ Siber l c
[hactenus quatenus — *fin*] (?) Pflüger Cic p Rosc 31 Betti Riv It sc giur 56 (1915) 85 n Siber l c Dumont l c 84 n 4

6 [pp 6] (?) Pflüger SZ 32 (1911) 178 De Medio divieto di donare 25. 26. 32. 43 Thayer on gifts 147
[quia] Lenel 254 De Medio l c
[non concessa donatione] ⟨dote propter res donatas⟩; [aut — aut] ⟨quasi⟩; ⟨datum⟩ retineri; [ex quibus — *fin*] Siber röm Priv R 219
[ex quibus — *fin*] Pflüger l c Kr (?) Nov Suppl

7 inscr trigesimo [primo] ⟨secundo⟩ Hal Lenel 2766

§ 1 [vindicationem] ⟨retentionem⟩ De Medio divieto di donare 27 sq

§ 2 *genuin* Dumont donations 208 n 1—3
[recte — *fin*] Biondi compensazione 399 (estr 239)
[recte — hoc]; [constituit] (?) ⟨rescripsit uxorem repetentem doli mali exceptione repellendam esse⟩ Beseler SZ 45 (1925) 444 **ca** Thayer on gifts 148 sq

§ 3 *genuin* Dumont l c 83 n 1
[proinde — *fin*] *Cugia nullità 35 n 1
[magni pretii]; praedia ⟨vendita⟩ Betti lit aest 61

§ 5 [remedium monstravit]; [si — recusabis] Partsch SZ 42 (1921) 271 *Cugia nullità 45
[in arbitrio — malit] Partsch l c *Cugia l c **ca** Dumont l c 111 n

§ 6 [pp § 6] Kübler Mél Girard 2, 56
[titulus — ideo] (?) Beseler SZ 45 (1925) 469

§ 7 [pp § 7] ⟨—⟩ Thayer l c 151
ex [ea] ⟨eo⟩ (?) Scialoja Dig Mil

§ 8 *genuin* Dumont l c 204 n 1
[pp § 8 *init*] Gradenwitz SZ 23 (1902) 345
[pp § 8 *i f*] Grosso Riv It sc giur 4 (1929) 296

D de donationibus inter virum et uxorem 24, 1

7 § 8 [imponat — libertatem] ⟨locum habeat⟩ Beseler SZ 45 (1925) 469
[qui putat — manumittere] Haymann SZ 38 (1917) 225 n 5. 240 n 1
[libertas — manumittere] ⟨manumitti⟩ recte dici ⟨vivente viro⟩; [nec voluntatem — facere]; [quia — *fin*] Beseler l c
[dominio — *fin*] Lenel 2767 Gradenwitz l c Kr Buckland slavery 630 n 7 VJR (?) 1, 954, 1. 28; 2, 436, 10; 3, 50, 6; 4, 109, 52 Thayer l c 152 *alii*

§ 9 *genuin* Dumont donations 201 n 1
[pp § 9] Pernice Labeo 3, 1, 137 n 1 Haymann SZ 38 (1917) 225 n 5. 240 n 1 Buckland l c 630 n 7
[proinde — coeperit] De Medio divieto di donare 77 n 3 *π Ulpiani ad Sabinum* Dumont l c
[tradidit] ⟨mancipio dedit⟩ Lenel 2767 Pernice l c

8 [resolvitur] (?) Vassalli Bull 27 (1914) 192 sq cf Thayer on gifts 153

9 § 1 *genuin* Dumont donations 202 n 5
[nec — promittat] (?); [quod — *fin*] De Medio divieto di donare 79 sq

§ 2 *genuin* Thayer on gifts 154
[pp § 2] Haymann SZ 38 (1917) 239 n 4

10 *genuin* Thayer on gifts 154
[pp 10] Haymann SZ 38 (1917) 225 n 5. 239 n 4

11 *genuin* Thayer on gifts 154
[pp 11] Haymann SZ 38 (1917) 239 n 4 Bonfante corso 1, 220 n 4

pr [sed interim — insecuta est] Lenel 2768 Kr VJR (?) 1, 1118, 4; 4, 247, 45 Senn dr d obligations 152 sq De Francisci translatio 28

§ 1 *genuin* Thayer l c 155
[§ 1] Faber (?) error 44, 8 (Lugduni 906) De Medio divieto di donare 71 sqq
[pp § 1] (?) Haymann SZ 38 (1917) 239 n 4
[non solum]; [sed omnis — *fin*] Senn dr d obligations 77. 151 sq; N R H 37 (1913) 201 n Kr Suppl Dumont donations 232 n 1. 288 n 6

§ 2 *genuin* Thayer l c 155 sq
[pp § 2] Cugia don mort c 88 sq Bonfante corso 1, 223 et n 1
[quando — huiusmodi] Fadda concetti dir ered 2, 275 n 1 Vassalli Bull 27 (1914) 244 Bes 3, 72 Beseler SZ 45 (1925) 220 Kr (?) Suppl

D de donationibus inter virum et uxorem 24, 1

11 § 2 [quando — donatio] Senn dr d obligations 154; N R H 37 (1913) 201 n 1 ⟨unde⟩ emergunt Senn l c 154 Dumont l c 234 n 3. 222 n. 288 n 1 'emergunt vitia' *genuin* HKrüger Grünh Z 41 (1915) 308
[quando — vitia] Kalb RJ 124
[qui — traderet] Beseler SZ 45 (1925) 220 **ca** Dumont l c
⟨mancipio⟩ acciperet Lenel 2768, *qui putat U etiam in §§ 2/8 de mancipatione egisse*
⟨is⟩ deinde; an ⟨si mulier tradat⟩ Beseler l c et ait ⟨Marcellus⟩ Bes 3, 72 **ca** Dumont l c 234 n 3
[id est — *fin*] Eisele SZ 11 (1890) 10 Fadda l c Kr Beseler ll cc Suman saggi 18 Dumont l c 234 n 3

§ 3 [placuisse] ⟨placere⟩ Beseler SZ 45 (1925) 220
[Sabinianis] ⟨Sabino et Cassio⟩ (?) Baviera Scr giur 1, 116 **ca** Kipp Quellen [4] 114 n 9 Riccobono SZ 31 (1910) 363 n 5
[tradet] ⟨mancipet⟩ Lenel (?) Sab 106 ⟨fundum mortis causa mancipio det⟩ (?) Bremer iurispr antehadr 2, 2, 57 ⟨tradat⟩ Scialoja Dig Mil ⟨tradiderit⟩ Beseler l c
[$\overline{pp}$ donationem — fieri] Bremer l c

§ 4 *genuin* Thayer on gifts 157
[§ 4] Beseler SZ 45 (1925) 220

§ 5 [$\overline{pp}$ § 5] Beseler l c

§ 6 [interposuit] ⟨interposuerit⟩; [ut — causa] isque [adhuc — deinde]; dicendum ⟨atque in filio familias⟩ Beseler SZ 45 (1925) 220

§ 7 *genuin* Senn dr d obligations 145 Dumont donations 235 n 2
[§ 7] (?) [Marcellus tractat] gl ⟨ait⟩; [posteaquam — dederit]; [quia — *fin*] Beseler SZ 45 (1925) 220
[vivo — donatore] Vassalli Bull 27 (1914) 206 **ca** Suman saggi 20 n
[quod — sequatur] Vassalli l c VJR (?) 3, 179, 18 Bes 4, 204 Guarneri Citati obbl indivis 1, 235 n Suman l c
[quod — marito]; *fin genuin* (?) Thayer l c 158

§ 8 *genuin* Thayer l c 158
[§ 8] π (?) [$\overline{pp}$ § 8] Beseler SZ 45 (1925) 220
actionem ⟨mandati⟩ Senn l c 146 **ca** Dumont l c 239 n 1. 108 n 3

§ 9 *genuin* Thayer l c 159

D de donationibus inter virum et uxorem 24, 1

11 § 9 [plane — *fin*] De Medio divieto di donare 72 n 2 Senn l c 75 sq. 147 n 2. 154; NRH 37 (1913) 201 n Vassalli Bull 27 (1914) 244 Bonfante corso 1, 223 n 1 Kr Suppl Beseler SZ 45 (1925) 220 Dumont l c 224 n 1. 288 n 2

12 [$\overline{pp}$ 12] Haymann SZ 38 (1917) 239 n 4 Rabel Grundz 513

13 pr [$\overline{pp}$ pr] Haymann SZ 38 (1917) 239 n 4 Roby rom priv law 1, 133

§ 1 [§ 1] *Lusignani se il matrimonio si sciolga per la deportazione (p ?) De Medio divieto di donare 76 Haymann Freilass 31; SZ 38 (1917) 239 n 4
[$\overline{pp}$ § 1] Wissenbach embl 59 Cohn (?) Beitr 1, 2, 370 sqq Mitteis RPR 70 n 27 Ferrini Pand [3] 880 Perozzi Ist [2] 1, 362 n 1; 2, 728 n 3 Thayer on gifts 161 sq
[an donatio valeat — *fin*] Faber coni 12, 17 (Lugduni 447); error 46, 3 (Lugduni 944 sq)
[cum igitur — *fin*] Cuiac observ 3, 10 (Neapoli 1722 p 64 E) Faber iur Pap 9, 1, 3 (Lugduni 336) Rudorff RG 2, 410 n 41 Mommsen Dig ed mai Hartmann SZ 9 (1888) 49 Lenel 2768 Gradenwitz Itpp 98 HKrüger SZ 19 (1898) 22. 27 Biondi Ann Perug 29 (1914) 216 Bonfante Dig Mil; Ist [8] 182 n 1. 183 n 2; corso 1, 243 n 3. 220 n 7 Desserteaux capitis dem 2, 469; Tijdschrift 8 (1928) 192 n 1 Bes 3, 63 Huvelin furtum 1, 728 n 2 Genzmer SZ 44 (1924) 135 n 1 Suman Favor testamenti 206 Guarneri Citati obbl indivis 1, 51 n VJR (?) 1, 688, 50. 1130, 12; 3, 46, 37. 218, 18. 278, 23; 4, 134, 22 Dumont donations 151 n 3 *alii*

§ 2 *genuin* Dumont l c 106 n 1. 107 n 1
[$\overline{pp}$ § 2] Bes 3, 43 Thayer l c 162 sq ⟨venumdari quam⟩ (?) ⟨precario dari quam⟩ (?) donari Haymann Schenkg 36 et n 1
[ergo — *fin*] (?) De Medio divieto di donare 57 n 1 Haymann l c 37 Kr VJR (?) 3, 192, 26

14 [in tantum — *fin*] Beseler SZ 45 (1925) 444 Dumont donations 139 n 2 **ca** Thayer on gifts 164

15 *genuin* Dumont donations 147 n 2 [tunc] Beseler SZ 45 (1925) 444 Koschaker Stud Bonfante 4, 5 et n 12. 12

D de donationibus inter virum et uxorem 24, 1

15 [si satis — *fin*] Beseler l c Koschaker l c ʻsi satis — immodicum estʼ *genuin* Thayer on gifts 164
[id est — dotis] Bonfante corso 1, 218 n 8 Thayer (?) l c
17 *genuin* Thayer on gifts 165
18 [$\overline{pp}$ 18] Koschaker Stud Bonfante 4, 7 n
19 pr *genuin* Thayer on gifts 166
[$\overline{pp}$ pr] Pernice Labeo 2, 1, 409 n 6 *De Medio Scr giur 395 n 1 (?) **ca** *genuin exc:* ⟨mancipio⟩ acceperit Salkowski Sklavenerwerb 148 n 12
⟨mancipio⟩ acceperit Lenel 2771
[virum — *fin*] Riccobono Ann Pal 3/4 (1917) 387 n
§ 1 [de dote] ⟨rei uxoriae⟩ Lenel 2771 **ca** Grosso Riv It sc giur 3 (1928) 75 n
[exceptionem] ⟨retentionem⟩ retinere Dernburg Compens 157
[et dicendum — *fin*] Beseler SZ 45 (1925) 444 **ca** *genuin exc* [exceptionem] ⟨retentionem⟩ habere Dumont donations 54 n 1 Thayer l c 167
20 *genuin* Thayer on gifts 167
21 pr [si quis — nam et] Beseler SZ 45 (1925) 444 **ca** Thayer on gifts 168
[exactio] ⟨retentio⟩ Lenel 2772 Kr Riccobono Ann Pal 3/4 (1917) 223 n 1 Thayer l c
[an vero — donatio] Thayer l c
[maxime] si Dumont donations 138 n
[itineris — datas]; [iter — pervenit] Beseler l c Dumont (?) l c
[repetere] ⟨retinere⟩ Seckel s v repetere 1, 508
[non enim — *fin*] Dumont l c Thayer (?) l c
ʻnon enim — succurritʼ *genuin* Koschaker Stud Bonfante 4, 5 et n 9
[ergo — *fin*] Bortolucci a° utilis 36 n 1 Beseler l c Thayer l c
§ 1 [§ 1] π ⟨—⟩ Beseler SZ 45 (1925) 444 *genuin* Dumont l c 146 n 2
[sine dubio — tamen si] ⟨et postea⟩ Koschaker Stud Bonfante 4, 16 sq et n 58
[sine dubio — petantur] Albertario Rend Lomb 58 (1925) 89 sq
[quid tamen — remiserit] Kunkel SZ 45 (1925) 325 n 2
remiserit [eadem] Koschaker l c
[quod verum — *fin*] Kunkel l c et 321 n 2

D de donationibus inter virum et uxorem 24, 1

21 § 1 [plane — *fin*] Albertario Rend Lomb 58 (1925) 89 sq gl 100 n Koschaker l c Biondi compensazione 403 (estr 243)
[puto — *fin*] Biondi iud b f 217 n 2
22 [$\overline{pp}$ 22] Bonfante Rend Lomb 48 (1915) 461 n 2 Thayer on gifts 170
[si — et] necessarium Tumedei Riv It sc giur 63 (1919) 81 n
[si hoc — paenituisse] Biondi Ann Perug 29 (1914) 217 Bonfante Scr giur 1, 427 n 2 Haymann SZ 38 (1917) 239 n 4 Kr Suppl Beseler SZ 45 (1925) 444 Dumont donations 225 n 1
[ceterum — *fin*] Cugia don mort c 89. 97 Haymann l c
[vel si — *fin*] T *aut* gl (?) Lenel 2447 Kr Biondi l c Bonfante l c VJR (?) 4, 211, 35 Dumont l c
23 inscr ⟨quadragesimo⟩ sexto Lenel (?) 2475
⟨trigesimo⟩ sexto Lenel Pap 183 Thayer on gifts 171
genuin Bonfante l c 223 Dumont donations 254 n 2 Thayer l c 170 sq
[$\overline{pp}$ 23] Huvelin cours 1, 609 **ca** *genuin* De Medio divieto di donare 125. 138
[recte] Faber coni 2, 8 (Lugduni 190) Savigny (?) Syst 4, 190 Accarias précis dr rom 1, 813 n 3 Beseler SZ 45 (1925) 444 De Medio (?) l c 117 **ca** Francke Arch z Pr 18 (1835) 7 n 20 Vangerow Pand [7] 1, 420 Bonfante corso 1, 223
non ⟨recte⟩ putabat conveniri (?) *aut* decesserit ⟨ego contra puto⟩ (?) *aut* ⟨quo iure non utimur⟩ (?) Savigny l c 191 y
24 [$\overline{pp}$ 24] De Francisci translatio 28 Pringsheim Festschr Lenel 260
[per tempus legitimum —] Mommsen jur Schr 3, 357. 358 n 1
[per tempus — adquisitum] ⟨maiore parte anni res ab eo cui donatae sunt fuerint possessae⟩ (?) Lenel 1750 Kr Dumont donations 52 n 3 Thayer on gifts 172 ⟨maiore parte anni res possessae⟩ Seckel s v legitimus 309
[temporis suffragium] Kr Suppl ⟨tempus⟩ Dumont l c
25 et si [non] Cuiac observ 18, 15 (Neapoli 3, 520 E) Appleton NRH 40(1916) 30 licet ⟨non⟩ Cuiac l c **ca** Βασῆς Κριτικά 7 Dumont donations 192 n 1

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25 [quia — *fin*] Beseler SZ 45 (1925) 227 Seligsohn iusta possessio 32 n 120 **ca** Thayer on gifts 173

26 pr [quia — *fin*] Perozzi Ist^{2} 1, 869 n
[iure civili] ⟨lege Julia⟩ Bonfante corso 1, 215 n 6 **ca** Dumont donations 44 n 5

28 § 1 [aut — alimenta] Riccobono Ann Pal 3/4 (1917) 345 n 2 Cugia tirocinio 53
[aut] in [doctrinam aut] Biondi compensazione 389 (estr 229)

§ 2 *genuin* Thayer on gifts 176
[*pp* § 2] Koschaker Stud Bonfante 4, 7 n
[servi operas] ⟨operas servi⟩ Bes 2, 20 sq
[et sane — *fin*] Bes l c Biondi compensazione 402 (estr 242)

§ 3 [petenda] ⟨retinenda⟩; [peteretur] ⟨retineretur⟩; [peti] ⟨retineri⟩ (?) Lenel 1752 Bremer iurispr antehadr 2, 2, 232

§ 4 [petenda] ⟨retinenda⟩; [petendum] ⟨retinendum⟩ Lenel (?) 1752

§ 5 [petitionem] ⟨retentionem⟩ Lenel 1752 Kr Suppl

§ 7 [licet — *fin*] Biondi compensazione 406 (estr 246) Koschaker Stud Bonfante 4, 18
quidem [dotis] ⟨rei uxoriae⟩ Lenel 1752 Celsus 84 Kr
[peti — possunt] Biondi l c 422 (estr 262)

30 *genuin* Appleton prop prét 2, 94 sqq v Mayr cond 273 sq; SZ 26 (1905) 92 sqq Thayer on gifts 180
[30] PKrüger (?) SZ 16 (1895) 5 Mancaleoni Stud Sassaresi 1, 1 (1900) 17. 50 sqq. 84 n 4 Collinet NRH 34 (1910) 167 Buckland text-book 218 n 8 Bonfante corso 1, 216 n 4; 2, 2, 285 n 2 VJR (?) 1, 846, 8 Riccobono Tijdschrift 9 (1929) 47 Kr Suppl
[utilem] ⟨retentionem⟩ (?) Lenel EP^{3} 186 n 8 (§ 69) Seckel s v utilis 610 ⟨vindicationem⟩ (?) Seckel l c
tamen ⟨actionem⟩ Scialoja Dig Mil

31 § 1 [virilia]; [non virilia] gl (?) Lenel 599 Thayer (?) on gifts 181

§ 2 *genuin* Thayer l c 181 sq Schulz SZ 34 (1913) 103 n 5
[§ 2] (?) De Medio Riv It sc giur 33 (1902) 392
[nam si — *fin*] Riccobono Ann Pal 3/4 (1917) 382 Kr Nov Suppl **ca** Dumont donations 132 n 2 [impensae] gl ? Schulz l c

D de donationibus inter virum et uxorem 24, 1

31 **§ 3** *genuin* Thayer l c 182 sq Dumont (?) l c 97 n 2
[vel contra] Partsch SZ 42 (1921) 269
[melius — dubio] ⟨venditio nullius momenti est⟩ *Cugia nullità 34
[melius — spectandum esse] Partsch l c
[tandem] ⟨tam id⟩ Huschke Z f Z u Pr NF 2 (1846) 166
[sed — remissum]; [sine dubio]; [vel uxore]; [si non — *fin*] Partsch l c
[sine dubio] Bonfante storia^{3} 2, 152 Albertario Rend Lomb 58 (1925) 250 n 6
[sine dubio — *fin*] Pringsheim SZ 42 (1921) 325 Kr Nov Suppl

§ 4 [*pp* § 4] gl ? Grosso efficacia dei patti 2, 18 n 1 **ca** *genuin* Thayer l c 184
[vero pretio] (?) Partsch SZ 42 (1921) 268 *Cugia nullità 40 sq
[ob — rem] (?); [videndum — dumtaxat] (?) *Cugia l c **ca** Dumont l c 96 n 1
an ⟨ut totum negotium irritum sit an⟩ Lenel 600

§ 5 [id est — *fin*] Kr

§ 7 maxime ⟨iuris ratio vertitur. ideo enim⟩; [quasi malivolos] ⟨ideo⟩ Bes 3, 14 [malivolos] (?) Kübler SZ 11 (1890) 46 sq

32 § 1 [*pp* § 1) Bonfante corso 1, 221 sqq. 222 n 1
donationes ⟨rerum⟩ Dumont donations 254 n 3. 286 n 4
[et obligatio — *fin*] De Medio divieto di donare 131 Perozzi (?) obbl rom 135 n; Ist^{2} 2, 728 n 5
[et obligatio sit civilis] Bremer Arch z Pr 51 (1868) 230 sq Ascoli donazioni 516 sqq Dumont l c 254 n 3

§ 2 [*pp* § 2] Bes 3, 87 Vassalli Bull 27 (1914) 213 n **ca** Thayer on gifts 186

§ 3 [ut supremum — *fin*] Bes 3, 50; 4, 161 Pringsheim Festschr Lenel 283 n 5
[*pp* ut supremum — *fin*] Suman Favor testamenti 128

§ 4 [§ 4] (?) π (?) Bes 1, 90 sq **ca** Thayer l c 187
[si appareat — *fin*] De Medio divieto di donare 113 sq
[si appareat — voluntatem] Gradenwitz Itpp 215 Lenel 2774 Kr Perozzi obbl 142 n Tumedei Riv It sc giur 63 (1919) 99 n *alii* **ca** [quod — sit] ⟨sed⟩ Dumont l c 246 n 1

D de donationibus inter virum et uxorem 24, 1

32 **§ 5** *genuin* Dumont l c 251 n 2
[$\overline{pp}$ § 5] Haymann SZ 40 (1919) 314 n 2 De Francisci translatio 28
[licet — retinuit] Bes 3, 186 Kr Suppl
[hoc animo — donatum] Pringsheim SZ 42 (1921) 326 n 1
[finge — creditori]; nam ⟨et⟩ (Mo) Bes l c
[ut parata — *fin*] Bes l c Kr Suppl Levy Konk 226 n Albertario Ann Perug 31 (1919) estr 31 n Thayer l c 187 sq

§ 6 [privati] Faber iur Pap 11, 5, 3 (Lugduni 557) Cohn Beitr 2, 369 Bonfante corso 1, 242 n 4 Ratti Riv It sc giur 1 (1926) 202 n 45; Bull 35 (1927) 161 n 1 **ca** Thayer l c 188
[quamvis — compararetur] Desserteaux capitis dem 2, 427 n 1; Tijdschrift 8 (1927) 227 Dumont l c 252 n 2 **ca** Thayer l c

§ 7 [$\overline{pp}$ § 7] Cugia don mort c 52 n 1

§ 8 [$\overline{pp}$ § 8] Cugia l c 52 n 1
[quia — testari] De Medio divieto di donare 134 n 1

§ 9 *genuin* Dumont l c 208 n 1—3
[ne] ⟨nisi⟩ Beseler SZ 45 (1925) 444
[sed et si — *fin*] Nikolsky Schenkg zw Ehegatten (1903) 294 *sec* Nolde SZ 24 (1903) 449 n 1 Pflüger Bonn Festg PKrüger 30 sq Kunkel SZ 45 (1925) 325 n 2 **ca** Nolde l c
quantitatem ⟨quantam ipse accepit⟩; posse ⟨illum⟩ Beseler l c
[nec compensare — *fin*] Biondi compensazione 400 sqq (estr 240 sqq)
[compensare — consumpsit] ⟨doli mali exceptione repelli⟩ Beseler l c
[quamvis — *fin*] Thayer l c 189
[haec compensatio] ⟨exceptio⟩ Beseler l c

§ 10 *genuin* Bonfante corso 1, 263 n 5 Dumont l c 149 n 3. 247 n 1
[$\overline{pp}$ § 10] Levy Ehescheidung 8 n 5
[aut prior — accepit] (?) Solazzi Bull 34 (1925) 305 n 2
[hoc — *fin*] gl De Medio Riv It sc giur 33 (1902) 394 Kr Pringsheim SZ 42 (1921) 316 n 3 Guarneri Citati obbl indivis 1, 39 sq n Solazzi l c 305 sq Perozzi Ist [2] 1, 369 n 4
[plerique — *fin*] Kübler SZ 11 (1890) 48 VJR (?) 1, 446, 33. 595, 9
[hoc — exstinguitur] De Medio divieto di donare 42 n 1 Thayer (?) l c 191

§ 11 [§ 11] Levy Ehescheidung 13 n 4

D de donationibus inter virum et uxorem 24, 1

32 **§ 11** *genuin* Dumont donations 248 n 1
[deinde — restauratur] Mo Kübler SZ 11 (1890) 48 Huvelin furtum 1, 695 n 3
[et in divortio — reconciliata]; [potest defendi] ⟨non⟩ Solazzi Bull 34 (1925) 306 sq **ca** Thayer on gifts 192
⟨non⟩ (?) valere Dumont l c 248 n 1

§ 12 [§ 12] (?) Kübler SZ 11 (1890) 49 Kr Guarneri Citati obbl indivis 1, 40 n Thayer l c 192
[friusculum quievit] ⟨prior decesserit is qui donavit⟩ Levy Ehescheidung 15 n 1

§ 13 *s g* Bonfante corso 1, 191 n 1 Dumont l c 26 n 1
[quod scimus — subsecutum] gl Levy Ehescheidung 11
[non enim — affectio] Kübler SZ 11 (1890) 49 gl Levy l c 11 Solazzi Bull 34 (1925) 309 n 1 Albertario Rend Lomb 62 (1929) 809 **ca** Thayer l c 192

§ 14 *genuin* Thayer l c 193 sq
[§ 14] De Medio divieto di donare 104 sq Solazzi Bull 34 (1925) 302 n 1 **ca** Dumont l c 249 n 1
[$\overline{pp}$ § 14] De Medio Bull 13 (1901) 244 et n 1 Bonfante corso 1, 241 n 1
⟨quid vero si ambo decesserint vel⟩ si ambo Kübler SZ 11 (1890) 49
si ambo ⟨simul decesserint vel ambo⟩ Kr Scialoja Dig Mil Dumont l c 249 n 1
[et si quidem — quaestio est] De Medio Bull l c $\overline{pp}$ HKrüger - Kroll Zur Gaius-Frage Diss Münster (1917) 39 n 102
[possit — posuit] ⟨apparebit, uter ante mortuus sit⟩ HKrüger-Kroll l c
[sed — valebunt] gl (?) Lenel 2778 gl Kr Dumont l c VJR 4, 121, 5 (?). 40
[secundum — matrimonium] (?) Bes 3, 159 **ca** *genuin exc* [vivis iis finitum est] Ratti Bull 35 (1927) 161 n 3

§ 15 [non] Hal **ca** Glück Pand 26, 171 sqq *genuin* Thayer l c 194

§ 17 [vel quasi castrense] Schifordeger 3, 105 Albertario aº qu inst 33 Bonfante Glück ital 15, 159 n; corso 1, 105 n 5; Ist [8] 161 n 5 Kr Suppl Dumont l c 172 n 1. 252 n 1

§ 18 [quod — *fin*] De Medio divieto di donare 110 sqq **ca** Dumont l c 265 n
⟨oratione nec coepit⟩ nova [ratio] Kr Dumont l c ⟨nec habet rationem⟩ nova [ratio] Mo cf Glück Pand 26, 133 n 26

D de donationibus inter virum et uxorem 24, 1

32 **§ 19** [$\overline{pp}$ quamvis — comprobatum est] Solazzi Bull 34 (1925) 15 sqq Bonfante corso 1, 250 n 2 **ca** *genuin* Dumont l c 266 n 2 Thayer l c 196 sq

§ 20 [$\overline{pp}$ § 20] Solazzi Bull 34 (1925) 17 *genuin* Dumont donations 266 n 3 [idemque — *fin*](?) Thayer on gifts 198

§ 21 [debet dici] Dumont l c 267 n [et ideo — *fin*] Beseler SZ 45 (1925) 469 Dumont l c

§ 23 [$\overline{pp}$ § 23] Bonfante corso 1, 221 sqq [potest dici — eius] Bremer Arch z Pr 51 (1868) 230 [potest dici — *fin*] De Medio divieto di donare 131. 135 Dumont l c 255 n. 258. 285 n 2. 286 n 4

§ 24 [$\overline{pp}$ § 24] Bes 2, 67 [quae tamen — sunt. idcirco] *Cugia nullità 48 **ca** *genuin* Dumont l c 103 n 1 [igitur — *fin*] gl Dumont l c 104 n

§ 25 [§ 25] Thayer l c 200

§ 26 [§ 26] Pringsheim SZ 42 (1921) 325 Kr Nov Suppl

§ 27 [§ 27] Faber error 79, 6 (Lugduni 366) De Medio divieto di donare 88 sq [$\overline{pp}$ § 27] Beseler SZ 45 (1925) 469 sq Thayer l c 200 [et a nobis] Pampaloni Arch giur 55 (1895) 516 Beseler l c 470 [ideoque — fecit] Dumont donations 31 sq n

§ 28 [§ 28] Faber error 79, 4 (Lugduni 364 sq). 5 (Lugduni 365). 6 (Lugduni 366) Thayer l c 201 sq [$\overline{pp}$ § 28] Beseler SZ 45 (1925) 469 sq [vel quis — prohibentur] Beseler l c 470 Albertario Rend Lomb 58 (1925) 90 n 1 [an donatio — improbanda] De Medio divieto di donare 87 [et putem — *fin*] Solazzi Min età 50 n 1 Beseler l c 470 Bonfante corso 1, 218 n 1 **ca** [et quasi — *fin*] Dumont donations 32 sq n [ablata] gl *Βασῆς* adn 187

33 pr *genuin* Dumont donations 144 n 1. 253 n 3 Thayer on gifts 171. 202 [$\overline{pp}$ pr] Bonfante corso 1, 221 sqq [constante matrimonio] non potest ⟨—⟩ Koschaker Stud Bonfante 4, 6 [sed si — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 445 Koschaker l c

§ 1 [$\overline{pp}$ § 1] De Medio Riv It sc giur 33 (1902) 387 sq

D de donationibus inter virum et uxorem 24, 1

33 § 1 [versa vice]; [restituetur ei hoc et]; [id quod — *fin*] Beseler SZ 45 (1925) 445 **ca** Thayer l c 202

§ 2 *genuin* De Medio divieto di donare 125 Dumont l c 253 n 3. 257 n 1 Thayer l c 202 [§ 2] Beseler SZ 45 (1925) 445 donationem ⟨quidem⟩ convalescere ⟨neque vero stipulationem confirmari⟩ Bremer Arch z Pr 51 (1868) 221. 230

34 [$\overline{pp}$ 34] Bes 3, 37 Thayer (?) on gifts 203 [sive] ⟨si⟩; [sive post] ⟨si postquam⟩ Mo **ca** Dumont donations 161 n [benigne — *fin*] Albertario contr crit Dig 9 Kr Suppl **ca** Dumont l c 163 n 2

35 [$\overline{pp}$ 35] Schirmer ZRG 11 (1873) 366 sq Bonfante corso 1, 247 sq **ca** Dumont donations 29 n 2 [si non — factum sit]; [post tale divortium] Levy Ehescheidung 23 [legitimam observationem] ⟨legem Juliam⟩ (?) Dumont l c 30 n [sit] ⟨videatur⟩ matrimonium Dumont l c 30 n **ca** *genuin* Solazzi Bull 34 (1925) 315 n 1

36 pr [$\overline{pp}$ pr] De Medio Riv It sc giur 33 (1902) 387 Siber röm Priv R 217 [sed quia — res sit] Albertario Bull 31 (1921) 10 **ca** *genuin* Levy SZ 43 (1922) 534 Dumont donations 43 n 2. 72 n 3 Thayer on gifts 204

37 [maxime — *fin*] Pernice Labeo 2, 1, 409 n 4 Kr Suppl Dumont donations 67 n Perozzi Ist[2] 1, 350 n 2

38 pr [$\overline{pp}$ pr] Thayer on gifts 206 puerum ⟨comparavit et utriusque iussu⟩; uxori [fratris] Beseler (?) SZ 45 (1925) 445

§ 1 [§ 1] Beseler SZ 45 (1925) 445 **ca** Thayer on gifts 206 [$\overline{pp}$ § 1] Bremer iurispr antehadr 1, 189

39 *genuin* Thayer on gifts 207 sq summam ⟨ab uxore⟩; [actio nulla esset] ⟨nihil actum sit⟩ Bes 3, 187 [$\overline{pp}$ sed si actiones — *fin*] De Ruggiero Arch giur 63 (1899) 441 sq De Medio Riv It sc giur 33 (1902) 389 **ca** *Cugia nullità 11 Dumont donations 125 n [sed si actiones — consequetur] Beseler l c; SZ 45 (1925) 470 Kr Suppl **ca** *genuin* Riccobono Bull 8 (1895) 199 [sed si pecunia — *fin*] gl Dumont l c 123 n 1

D de donationibus inter virum et uxorem 24, 1

39 [pecunia] Bes ll cc
[petet] ⟨retinebit⟩ Pflüger Bonn Festg PKrüger 31 sqq 34 cf Partsch SZ 32 (1911) 450 Siber röm PrivR 219 et n 22 **ca** Dumont l c 123 n 1 Thayer l c 208

42 [petenti] ⟨petendi⟩ gratia Dumont donations 176 n 2

43 [$\overline{pp}$ 43] Bonfante Ist[8] 182 n 1. 183 n 3
[exilii] ⟨divortii⟩ Thayer on gifts 209

44 [ac ne — suam esse] Di Marzo Pompon 99 **ca** Zanzucchi Arch giur 72 (1904) 265 n 2 Thayer on gifts 209
usucapiet ⟨non enim — *fin*⟩ Bonfante Scr giur 2, 568 n 1 **ca** Riccobono Stud Moriani 394 n 1 Seligsohn iusta possessio 33 n 122 Dumont donations 48 n Kr (?)
[credens — familias] (?) Thayer l c 209 sq
[et hoc et mulier noverit] Zanzucchi l c 264 Riccobono l c VJR (?) 4, 290, 31 Kr Bonfante Scr giur 2, 569 n 1 Dumont l c 49 n Thayer l c
interrumpetur ⟨usucapit quia⟩ possessio [quia] Beseler SZ 43 (1922) 553
[ipsius — impedimentum] Zanzucchi l c 263 **ca** Riccobono l c Dumont l c 49 n

45 [$\overline{pp}$ 45] Bonfante corso 1, 370 n 1; 2, 2, 285 n 2
⟨—⟩ Bes 2, 40 cf Schulz SZ 34 (1913) 65
etiam ⟨—⟩ (?) Scialoja Dig Mil
etiam ⟨si maritus diaetam in uxoris hortis, quos in dotem acceperat, fecerit, posse⟩ (?) Lenel 578
[sine mulieris — *fin*] Riccobono Ann Pal 3/4 (1917) 453 sqq. 494 n 6 **ca** Thayer on gifts 210 sq

46 *genuin* Thayer l c 211 sq
[$\overline{pp}$ 46] Seligsohn iusta possessio 31 n 117

47 [negotium] ⟨negotia⟩ Frese Mél Cornil 1, 377 n 2 Dumont donations 129 n 2
[coniectura — *fin*] Vassalli (?) misc crit 2, 5 n 1 Albertario Riv dir comm 27, 1 (1929) 249 n 2

48 [et — vindicare] De Medio Riv It sc giur 33 (1902) 388
[vindicare] ⟨retinere⟩ De Medio divieto di donare 27 sq Bozzoni Fil 28 (1903) 521 Stella Maranca Celso 63

49 [$\overline{pp}$ 49] De Medio divieto di donare 55 n 3 Stintzing Krit Viert 48 (1909) 368 Senn NRH 37 (1913) 175 n 3; dr d obligations 46 Haymann SZ 38 (1917) 225 n 3 Grosso Riv It sc giur 4 (1929) 289 *alii* **ca** *genuin* Dumont donations 195 n 1

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49 [tradidit] Thayer on gifts 213 sq ⟨mancipavit⟩ Ubbelohde (?) Realcontr 89 n 151 Pernice Labeo 3, 1, 136 Ferrini Arch giur 52 (1894) 492; Glück ital 13, 258 n 1 Riccobono SZ 34 (1913) 212 ⟨mancipio dedit⟩ Lenel 90 Biondi Ann Perug 29 (1914) 214 [restituatur] ⟨remanciparetur⟩ Ferrini ll cc
[an — repetere] Pernice l c 137 n 2 Kr Riccobono l c Bes 3, 101 VJR (?) 3, 243, 36; 4, 170, 18 Biondi l c Thayer l c
[si color — quaesitus est] Beseler Stud Bonfante 2, 83 ca Bes 3, 101
[si] ⟨non tantum⟩ color [vel] ⟨sed etiam⟩; ⟨et ideo⟩ nihil valebit [traditio idem si] ⟨mancipatio nam⟩ Riccobono l c
[nihil] ⟨nihilominus non⟩ Bes l c
[traditio] Thayer l c ⟨mancipatio⟩ Ubbelohde (?) l c Pernice l c Biondi l c Ferrini ll cc Lenel l c Kr
[idem — maritus] Pernice l c 137 n 2 VJR (?) 3, 310, 3 Kr Suppl Haymann l c 238 n 2
[idem — *fin*] Bes 3, 101 **ca** Haymann l c 'hoc exigit — maritus' *genuin;* [$\overline{pp}$ alioquin — *fin*] Riccobono l c
[vel — vel ut] Pernice l c 137 n 2 Biondi l c Kr Suppl Haymann l c
[hoc est — *fin*] Biondi l c Kr Suppl
[tradidisset] ⟨mancipasset⟩ Ubbelohde (?) l c Pernice l c Ferrini ll cc ⟨mancipio dedisset⟩ Lenel l c Kr

50 pr [$\overline{pp}$ pr] (?) Thayer on gifts 215
[exiget] ⟨retinebit⟩; [exactio] ⟨retentio⟩ Lenel 136 Kr Riccobono Ann Pal 3/4 (1917) 223 n 1
[de dote] Thayer l c 214 ⟨rei uxoriae⟩ Lenel l c Kr Betti lit aest 61
[neque enim — *fin*] Bremer iurispr antehadr 2, 2, 489

§ 1 [$\overline{pp}$ § 1] (?) Thayer l c 215
[si modo — *fin*] Pernice Labeo 3, 1, 199 Kr De Medio divieto di donare 57 cf Dumont donations 104 n 1

51 [et] verius [et honestius] Siber röm Priv R 302
[evitandi — *fin*] Bes 3, 50 Siber l c Kr Suppl **ca** Dumont donations 212 n 4 *exc* turpis [quaestus] ⟨quaestionis⟩ (Mo) Thayer on gifts 215

52 pr [haec — *fin*] Bes 2, 40

§ 1 [$\overline{pp}$ § 1] cf De Medio Riv It sc giur 33 (1902) 390 Haymann SZ 38 (1917) 240 n Thayer on gifts 217

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52 § 1 [traditio] ⟨mancipatio⟩ Lenel 184 Kr
[nam — *fin*] De Medio l c T *aut* gl (?) Haymann l c

53 pr ʻdivortii species — *fin*ʼ *Ulp pertinent ad* 24, 1, 11, 11. 13 pr HKrüger Stud Bonfante 2, 309

§ 1 [damni compensatio] ⟨retentio⟩ Biondi iud b f 214
[cum — *fin*] Bes 2, 86 Grosso Riv It sc giur 3 (1928) 77 sq

55 [$\overline{pp}$ 55] De Medio divieto di donare 34 Riccobono SZ 43 (1922) 381; Tijdschrift 9 (1929) 47 Rabel Grundz 513 n 1 Bonfante corso 1, 216 n 4 Bossowski Ann Pal 13 (1927) 460 Thayer on gifts 218 sq
[maritus — potest et] ⟨ea perdita⟩ (?) erit Siber röm Priv R 219 sq
[$\overline{pp}$ quaero — conveniatur] Pringsheim Kauf 124
[condicticia] De Medio Riv It sc giur 33 (1902) 385 Seckel s v condicticia 90 Pflüger Bonn Festg PKrüger 28 gl Beseler 2, 63; SZ 45 (1925) 445 Kr Suppl Dumont donations 81 n *alii*
[non enim — *fin*] (?) Beseler l c 445 **ca** Dumont l c
[liberum]; [possideat — potest] Beseler l c 445
[solo enim — potest] Pflüger l c 29
[et vindicare — potest] De Medio l c 385
[et] ⟨nec⟩ erit Faber *sec* Appleton NRH 40 (1916) 14 n 3. 55 cf Thayer l c 219
[directo]; [sed — *fin*] Ferrini Riv It sc giur 9 (1890) 105 HKrüger SZ 12 (1891) 163 n 1 Eisele SZ 13 (1892) 128 Mancaleoni Stud Sassaresi 1, 1 (1901) 13 sqq v Mayr (directo *genuin*) Cond 268 ([directo](?)) SZ 26 (1905) 114 Seckel s v utilis 610 Collinet NRH 34 (1910) 167 *Noailles Ann Grenoble 31 (1919) 187 Lenel EP³ 186 n 8 (§ 69) VJR (?) 4, 126, 38 Kr Dumont l c 80 n 2 **ca** Erman SZ 13 (1892) 208 [sed — *fin*] *alii*
[dotis] Kr ⟨rei uxoriae⟩ Collinet l c
[quatenus — donatum est]; quam ⟨mulieris⟩ si [dotis] ⟨maritus rei uxoriae⟩; [sed — *fin*] Siber l c

57 [sub ea — ut]; [spondeo] ⟨stipulanti tibi spopondi⟩ Beseler SZ 45 (1925) 445 **ca** Dumont donations 90 n 1
[spondeo] ⟨interrogata spopondi⟩ Mitteis RPR 1, 294 n 13 ⟨—⟩ Riccobono SZ 43 (1922) 312 et n 2 Dumont l c

D de donationibus inter virum et uxorem 24, 1

57 [sine ulla querella] gl Levy Ehescheidung 7 n 1
[quoniam — est] (?) Beseler l c

58 § 2 [si donavit — *fin*] Pflüger Bonn Festg PKrüger 34 cf Partsch SZ 32 (1911) 450 Siber röm Priv R 219 et n 22

60 § 1 [sacerdotium —] (?) Bonfante corso 1, 264 **ca** Dumont donations 150 n 3
[$\overline{pp}$ uti — *fin*] VJR (?) 1, 545, 46

61 [$\overline{pp}$ 61] (?) Bonfante corso 1, 264

62 pr [— bona gratia —] Wächter Ehescheidung b d Römern 225 n 1. 229 Solazzi Bull 34 (1925) 305 n 3 **ca** Cohn ZRG 13 (1878) 437 Bonfante corso 1, 263 sqq Dumont donations 149 n 5 Thayer on gifts 222

§ 1 [$\overline{pp}$ § 1] Levy Ehescheidung 141 n 3 Solazzi Bull 34 (1925) 307 **ca** Thayer l c 222
[$\overline{pp}$ *itp praejust*] (?) Dumont l c 247 n 1
[instaurato] ⟨restaurato⟩ (?) Solazzi l c 306 n 2
[non] confirmabitur Mo **ca** Solazzi l c 304 sq
[non] licet; [separatur] ⟨reparatur⟩ Mo Kr **ca** Solazzi l c 307
donatio ⟨confirmabitur quia matrimonium⟩ Scialoja Dig Mil

63 [$\overline{pp}$ 63] Lenel EP³ 331 (§ 131) Bonfante corso 1, 216 n 3 Guarneri Citati Ann Messina 1 (1927) 43 n 2 Thayer on gifts 223 sq
s g Huvelin furtum 1, 89 **ca** Lenel l c 331 n 4
[$\overline{pp}$ de eo — coniunctum est] Bremer iurispr antehadr 2, 2, 336
[ita] coniunctum Siber röm Priv R 59 n 12
[coniunctum] ⟨coniectum⟩ Lenel EP ² 320
[ut detractum — quia] Siber l c
[dicendum est] ⟨—⟩ Riccobono Ann Pal 3/4 (1917) 448 n 4 Lenel EP ³ 331 (§ 131)
⟨non⟩ posse Lenel EP ² 320 **ca** Riccobono Bull 20 (1908) 99 **ca** Lenel EP ³ 331 (§ 131)
[quia] ⟨quamvis⟩ (Vulg); [quamvis] ⟨quia⟩ Savigny Syst 4, 176 n g
[quia — tabularum¹] Pringsheim Stud Bonfante 1, 569 n 116
[quia — essent] gl Riccobono Arch giur 53 (1894) 535 Kr Lenel éd perp 2, 53 n 6 gl (?) VJR 4, 222, 25. 309, 8; 5, 357, 6 **ca** *genuin* Kalb Jber klass Alt 89 (1896) 276

D de donationibus inter virum et uxorem 24, 1

63 nulla [actio] ⟨alienatio⟩ (?) ⟨donatio⟩ (?) Haymann Schenkung 34 n 2 Thayer l c ʻquamvis — [coniunctae] ⟨coniectae⟩ (Lenel EP [2] 320) essentʼ *genuin* Lenel EP [3] 330 sq (§ 131) [quamvis — essent] Siber l c [sed — tabularum] Lenel (?) 1040 Kr VJR (gl ?) 5, 622, 51 Siber l c Thayer (?) l c [sed — mulieri] Lenel EP [2] 320 **ca** [sola] *rell genuin* Pampaloni Bull 21 (1909) 213 Riccobono Ann Pal 3/4 (1917) 462 *Monier tignum iunctum 150
tabularum ⟨quia ([quamvis]) decemviros — coniunctae essent. non in quadruplum⟩ Pampaloni l c

64 [si simulatum contra] Partsch SZ 42 (1921) 255 ⟨—⟩ (?) Levy Ehescheidung 87. 101 **ca** *genuin* Dumont donations 28 n
[verum est quod] Levy l c
[Caecilius] Mommsen jur Schr 2, 16 n ⟨Caelius⟩ (?) KarlowaRG 1, 712 Lenel 225 et I p 35 n 3 ⟨Celsus⟩ (?) Levy l c
[divortii causa factam] Bremer iurispr antehadr 2, 2, 435 Mo gl Levy l c 87
[aliae — aut]; [alias — *fin*] gl Levy l c

66 pr [$\overline{pp}$ pr] Wissenbach embl 60
[aureos] Kr
[non attinuisse — *fin*] ⟨—⟩ Levy Ehescheidung 72
[matrimonium — intellegitur] Pringsheim Gnomon 3 (1927) 520 **ca** Thayer on gifts 225
[quod consensu intellegitur] Brasiello Arch giur 98 (1927) 246

§ 1 hortos ⟨viri⟩ Levy Ehescheidung 71
[id est — celebrentur] T *aut* gl (?) Eisele SZ 18 (1897) 40 Lenel 35 Kr VJR 1, 709, 12 *Di Marzo lez matrimonio 84 sq Bonfante corso 1, 190 gl Levy l c Albertario Rend Lomb 55 (1922) 522 n 3 Perozzi Ist [2] 1, 399 n 4 Dumont donations 24 n
[aureos] Kr Levy l c
[post nuptias contractas] gl Levy l c
[repeti] ⟨retineri⟩ Lenel 35 Kr Levy l c 71 sq Biondi iud b f 214 Dumont l c 87 n 3 Perozzi l c Grosso Riv It sc giur 3 (1928) 76 n 7 [repeti] Riccobono Ann Pal 3/4 (1917) 223 n 1
[deduci] ⟨retineri⟩ Biondi l c 214 HKrüger Herstellg 151 **ca** Grosso l c
[de dote deduci] ⟨retineri⟩ Levy l c 72

67 [tradiderit] ⟨mancipaverit⟩; [traditio] ⟨mancipatio⟩ Lenel 206 Kr

D de divortiis et repudiis 24, 2

1 [$\overline{pp}$ 1] Solazzi Bull 34 (1925) 300 n 2
captivitate ⟨capitis deminutione media⟩ (?) Albertario Bull 33 (1923) 9 n 2
[vel — servitute] Solazzi l c

2 pr [vel — mentium]; [vel] Beseler SZ 45 (1925) 477

§ 1 [id est renuntiatione] gl (?) Lenel 250 Kr

3 [Divortium — ideoque] Beseler SZ 45 (1925) 470
[quod — fit] Pringsheim SZ 42 (1921) 283 Solazzi Bull 34 (1925) 317 n 4
[quod — fuisse]; [per calorem] Levy Ehescheidung 88 Pringsheim Gnomon 3 (1927) 525 [per calorem — repudio] Raevardus 1, 121 = reg iur 68

4 [4] (?) *Di Marzo lez matrimonio 88
[$\overline{pp}$ 4] Levy Ehescheidung 85 sq **ca** Ratti Bull 35 (1927) 211
[quod — matrimonium] gl Solazzi furor vel dementia 6

5 [5] π Beseler SZ 47 (1927) 370
[maritum — adficiat] Gradenwitz *apud* Grünwald Heidelb Diss 1912 41
decessisset ⟨filia⟩, [ideo]; [ei dotis exactio] ⟨patri utilis rei uxoriae formula ut perinde dotem recipiat⟩; *aut* [patrem — ideo]; [non enim — oportet]; [dotis exactio] (?) Bes 4, 140

6 [6] Schirmer (?) ZRG 11 (1873) 359 Zanzucchi Riv It sc giur 47 (1910) 271 Bonfante corso 1, 265. 241. 264 n; Ist [8] 183 n 1 Solazzi Bull 34 (1925) 301 n 1. 302. 305 n 3 Ratti Bull 35 (1927) 152. 154 n 1
[$\overline{pp}$ 6] Wissenbach embl 62 sqq Biondi tribonianismi 15 Cohn ZRG 13 (1878) 435. 444 sq Seckel s v licentia 316. malle 329 Lenel RG 383 Pringsheim SZ 42 (1921) 664 n 6 Appleton RH 6 (1927) 248 n 1 Levy SZ 48 (1928) 682 Perozzi Ist [2] 1, 282 n 1 Dumont donations 149 n 5
[uxores eorum] ⟨libertae uxores patronorum⟩; [temere] Seckel (?) s v temere 580 Levy Gedächtnisschr Seckel 150. 166 n
[temere] ⟨sine infamia⟩ Beseler SZ 45 (1925) 199
[possunt — possunt] ⟨nubere possunt⟩ (?) Segrè Riv It sc giur 30 (1900) 41 n

D de divortiis et repudiis 24, 2

6 [et generaliter — *fin*] Cuiac comm Cod postr 12, 1, 1 (Neapoli 2, 886 A); expos Nov 22 (Neapoli 2, 1071); comm in l sing Pap de adult *ad* D 48, 5, 12, 12 (Neapoli 4, 1502 C); comm in l 62 Dig Jul adhl (Neapoli 6, 413 sq); comm Dig 22, 3, 24 (Neapoli 7, 878 D) Glück Pand 26, 224 sq Gradenwitz Itpp 10 Kr Suppl D'Ancona Bonfante Glück ital 24, 202 n 6 Ferrini Pand 880 n 1 Roby rom priv law 1, 133 Levy Gedächtnisschr Seckel 165 n 3 Solazzi Bull 34 (1925) 317 n 1; Arch giur 94 (1925) 79 Beseler SZ 45 (1925) 199 Pringsheim Festschr Lenel 254 Guarneri Citati obbl indivis 1, 235 n Rechnitz Julian 70 VJR 1, 142, 19 (?). 20 (?). 595, 8. 624, 2. 9. 21. 654, 25 (?). 722, 53 (?). 756, 13 (?); 2, 140, 24 (?); 3, 28, 17 (?). 275, 12 (?). 302, 1 (?); 4, 147, 18 (?). 244, 47 (?). 312, 27 (?); 5, 557, 44 (?). 53 (?)

7 [Si — est] ⟨si mulier nuntio remisso brevi reverti velit⟩; dicendum ⟨est⟩ (?); [is qui accepit] ⟨vir⟩; [qui accepit] Levy Ehescheidung 61 sqq Brasiello Arch giur 98 (1927) 242 Pringsheim Gnomon 3 (1927) 519
[nisi — *fin*] Albertario Fil 36 (1911) 813 Kr Suppl Bonfante corso 1, 245 n 6
[voluit — dissolvere] ⟨mulierem recipere noluit⟩ (?) Levy l c 62 n 5

9 [nullum — est] Levy Ehescheidung 25 sq Pringsheim Gnomon 3 (1927) 518 Ratti Bull 35 (1927) 209 sq
qui ⟨quaeve⟩ divortium Ratti l c 209
⟨uxorem coemptione in manum receptam neque remancipatam maritus ex lege non dimittit⟩ Levy l c 46 **ca** Brasiello Arch giur 98 (1927) 241 sq

10 [nisi — *fin*] Albertario Fil 36 (1911) 813 Kr Suppl gl Levy Ehescheidung 140 n 1 **ca** ‘nisi — sit’ *genuin* Solazzi Bull 34 (1925) 299 n 2 *s g* Bonfante corso 1, 177 n 4

11 pr [non infectum — quod] ⟨divortio a liberta facto nihilo minus⟩ iure civili [dissolvere solet] ⟨dissolvitur⟩ matrimonium Levy Ehescheidung 141 sqq
[quare] ⟨quippe⟩ (?) Lenel 778

D de divortiis et repudiis 24, 2

11 pr [quare — separatum] Kr VJR (?) 5, 362, 12 Levy l c gl Solazzi Bull 34 (1925) 295 sqq. 297 n 2. 307
separatum ⟨sed nec dissolutum esse in totum⟩ Mo **ca** Schirmer ZRG 11 (1873) 358 Solazzi l c 296 n 2 ⟨—⟩ (?) Bonfante corso 1, 249 n 2 ⟨sed nec divortium valere, cum non sit lege ratum⟩ (?) Bonfante Dig Mil
[de dote] Kr ⟨rei uxoriae⟩ Lenel l c Solazzi l c 295
[de dote hanc] ⟨et rei uxoriae⟩ Levy l c 142
[non] habere Schirmer l c ⟨eam⟩ habere Levy l c
[merito igitur] ⟨sed⟩ Levy l c
[nam quia — conubium] π Levy l c 142 n 5
[quasi] diremptum Solazzi l c 295. 297 et n 2 Ratti Bull 35 (1927) 210
[quare cuicumque — habebitur] gl Solazzi l c 295 sq. 297 n 2
$\overline{pp}$ ⟨—⟩ Julianus — posse Solazzi l c 295 n 2
[quidem] ⟨si liberta duobus communis sit⟩ Levy l c 142 sq

§ 2 [illud — beneficium] Levy Ehescheidung 143
[qui eam — oriri] (?) Levy Konk 1, 85 n Levy l c gl Solazzi Arch giur 94 (1925) 59 sqq
[quare si — sit matrimonium] Solazzi l c; Bull 34 (1925) 303 n 2
[vel — obicit]; [diremptum sit — incipere]; cum alio [esse] ⟨sit⟩; [proinde] ⟨item⟩; [vel destinaverit] Levy l c 143 sq
[vel matrimonium — appetierit] gl Solazzi Arch giur l c
[vel — nuptam] (?); [et si — *fin*] Levy l c 144 VJR (?) 1, 212, 44

D soluto matrimonio dos quemadmodum petatur 24, 3

cf *supra* D 23, 3 *i init*

1 [semper et ubique] Hotomanus opp 1, 2, 254 F = observ 8, 16 Wissenbach embl 65 Kalb Jagd 32 Kr VJR (?) 5, 338, 3
[$\overline{pp}$ cum — *fin*]; [ad subolem — civitatem] Kalb l c Kr

2 § 1 [$\overline{pp}$ § 1] Cuiac comm in Cod Iust 5, 13 (Neapoli 9, 524 D)
[et — sit] Wissenbach embl 69 Lenel 2800 Kr

D soluto matrimonio dos quemadmodum petatur 24, 3

2 § 1 [dotis]; [dotis] ⟨rei uxoriae⟩ Lenel l c
§ 2 [de dote] Kr ⟨rei uxoriae⟩ Lenel 2800
[evidenter] Bes 4, 235 Albertario Rend Lomb 58 (1925) 251 n 3 Solazzi furor vel dementia 6
[nam — credet] Bes l c Kr Nov Suppl gl Solazzi l c
[id factum] ⟨—⟩ (?) Solazzi l c
[ubi enim — *fin*] Bes l c Kr Nov Suppl gl Solazzi l c
3 [sed — *fin*] (?) Steiner dat in sol 40 n 3
[de dote] Kr ⟨rei uxoriae⟩ Lenel 1763
4 [pp 4] Grosso Riv It sc giur 3 (1928) 71 sq
[doli mali — *fin*] Grosso l c
repellitur ⟨quae tamen officio iudicis rei uxoriae continetur⟩ (?) Lenel 614
5 inscr trigesimo ⟨primo⟩ Lenel 2754 Albertario Rend Lomb 58 (1925) 257
[pp 5] Savigny Syst 4, 568 n b
[id — *fin*] Eisele SZ 13 (1892) 140 Kr Albertario l c 258
7 pr [pp pr] Schulz SZ 34 (1913) 104 n 2
§ 1 *genuin* Bonfante corso 1, 358
§ 5 [§ 5] Biondi compensazione 407 (estr 247)
[compensationes] ⟨retentiones⟩ Lenel 2755 Kr Dumont donations 87 n 3 Bonfante corso 1, 362 n 2 *alii*
§ 9 [fructus] ⟨fructuum⟩ (?) Huschke ZRG 10 (1872) 7 n 17
§ 12 [pp § 12] Lautner Festschr Hanausek 73 n 1 Bonfante corso 2, 2, 98 n 2
[in fructum — *fin*] (?) Rotondi Riv dir civ 2 (1910) 321 n 2 Perozzi Ist [2] 1, 693 n 3
[puto autem — cedere] gl Albertario Rend Lomb 58 (1925) 820 sq Lautner l c
[sed et si — *fin*] Albertario l c gl Lautner l c
§ 13 [pp § 13] Pernice SZ 19 (1898) 103 n 3 Schulz l c 73 Rabel Grundz 444 n 2
[mulieris] Albertario Rend Lomb 58 (1925) 822 n 1
[et] ⟨nec⟩ Cuiac observ 15, 21 (Neapoli 3, 440) Eisele SZ 13 (1892) 147 Bonfante corso 2, 1, 165. 167
[et fundum — fecerit] Hotomanus opp 1, 2, 367 D = observ 12, 12
[impensa — est marmor] Eisele l c
[ei praestanda] Kr
[quia] ⟨alioquin⟩ Huschke ZRG 10 (1872) 5 n 14
[quia — *fin*] Bonfante ll cc

D soluto matrimonio dos quemadmodum petatur 24, 3

7 § 16 [petentur] Kr ⟨retinentur⟩ (?) Seckel s v petere 4 a 428 [petitio] Kr ⟨retentio⟩ Seckel (?) l c Bonfante corso 1, 362 n 2
[sed hae — est] Schulz SZ 34 (1913) 71. 103 Kr Suppl
[plane — instituit] (?) Biondi iud b f 191 n 1
[hae — *fin*] Schulz l c Kr Suppl Biondi l c
[res] (Mo) gl Lenel 2755 [aut] in [res]; [aut utilis] Riccobono Bull 9 (1896) 234 n 1; Ann Pal 3/4 (1917) 409
[actionem] Kr ⟨retentionem⟩ Lenel l c Riccobono ll cc; Bull 18 (1906) 213; Misc Salinas 168 Perozzi Ist [2] 1, 399 n 3
8 pr [quia — *fin*] Albertario Rend Lomb 58 (1925) 822 n 2 Beseler SZ 45 (1925) 445 Koschaker Stud Bonfante 4, 21 et n 70
[nisi — *fin*] Eisele SZ 11 (1890) 26 sq Seckel s v nisi 368 Kr VJR (?) 4, 158, 51; 5, 442, 13 Stoll SZ 44 (1924) 12 n 5
10 § 1 [dotis] Kr ⟨rei uxoriae⟩ Lenel 616 VJR 2, 395, 11
[idemque — est] Lenel l c VJR (?) 1, 1006, 39; 3, 312, 7 Kr
12 [sed hoc — *fin*] Pampaloni Stud Schupfer 1, 66 Bonfante corso 1, 372 n 6 **ca** Levet bénéfice 19 n 29
13 [pp 13] Bonfante corso 1, 372 n 6 ʻquia — exstinguiturʼ *genuin* Levet bénéfice 19 n 29
[quia — est] Rotondi Scr giur 325 n 1
14 § 1 [quinto] ⟨sexto⟩ (?) Wlassak Röm Proz Ges 1, 123 n 30 Lenel 617
[pp § 1] Bonfante corso 1, 208 n 7. 372 n 6
[namque — *fin*] Bes 1, 91 Perozzi Ist [2] 1, 349 n 4
[quippe — *fin*] Pampaloni Stud Schupfer 1, 66 sq Zanzucchi Riv It sc giur 47 (1910) 277 sq Bes 3, 63; 4, 212 Kr Solazzi Bull 34 (1925) 301 n 2 Levet bénéfice 17 n 23 Viard pactes 6 n
15 § 1 [pp § 1] Bonfante Ist [8] 205 n; corso 1, 372 n 6 Biondi compensazione 292 sq. 327 (estr 132 sq. 167)
[licet — tamen] ⟨retentiones⟩ Pampaloni Stud Schupfer 1, 67
ʻlicet — condemneturʼ *genuin* Levet bénéfice 19 n 29

D soluto matrimonio dos quemadmodum petatur 24, 3

15 § 1 [compensationes] ⟨retentiones⟩ Lenel 1766 Kr Biondi l c 292; iud b f 213 Bonfante corso 1, 344 n 5. 362 n 2 Dumont donations 87 n 3 Grosso Riv It sc giur 3 (1928) 76 *omnes*
quae [ad — respiciunt] Biondi ll cc
[coercitionem] ⟨retentionem⟩ Bonfante l c 344 n 5

§ 2 [pp § 2] Bonfante corso 1, 372 n 7
[de dote] Kr ⟨re uxoria⟩ Lenel 1766 ⟨actione rei uxoriae⟩; [socero] ⟨socer⟩; [idem — ut]; [damnetur] ⟨damnatur⟩ Pampaloni Stud Schupfer 1, 68 n 4

16 [pp 16] Bonfante corso 1, 372 n 7

17 pr [iustum] ⟨aequum⟩ Beseler Stud Bonfante 2, 61

§ 1 [item] ⟨—⟩; [magis — et] Beseler l c
[sicuti — *fin*] Bremer iurispr antehadr 2, 2, 152 Beseler l c 61

§ 2 [dotis] Kr Zanzucchi Bull 29 (1916) 77 ⟨rei uxoriae⟩ Lenel 1766

18 pr [pp pr] Bonfante corso 1, 372 n 7
[filios — patri]; [exstiterunt] Pampaloni Stud Schupfer 1, 68

§ 1 [pp § 1] Haymann SZ 40 (1919) 223 n 1
[de dote] Kr ⟨rei uxoriae⟩ Lenel 628
[quia — exigenda] Levy SZ 37 (1916) 69 n 1
[in qua dolum fecisset] gl Solazzi Arch giur 94 (1925) 88 n 2
[ceterum — *fin*] Pernice *apud* Bremer iurispr antehadr 1, 355 Kr Bes 3, 50. 188 VJR (?) 4, 200, 36 **ca** *genuin* (?)
[et culpa] gl (?) Schulz SZ 27 (1906) 134 sq

19 [de dote] Kr ⟨rei uxoriae⟩ Lenel 2822 Solazzi Bull 34 (1925) 306 n 3 Grosso Riv It sc giur 3 (1928) 82
[redintegrato matrimonio] Solazzi l c ⟨redintegrata dote⟩; [et omnia — *fin*] Levy Ehescheidung 12 n 5

20 [pp 20]Bonfante Ist [8] 200 n 2; corso 1, 336
[Quamvis — ei solvitur] Albertario alimenti 31 sq
⟨si⟩ [quamvis] Bes 2, 74 mulier [non]; [sed — et ideo] ⟨non⟩ Beseler l c; SZ 47 (1927) 59 Koschaker Stud Bonfante 4, 19 n 65
[aut — parentibus] Riccobono Riv dir civ 3 (1911) 49 n 7
[sed — quia] ⟨tamen si⟩ Bonfante *lez fam 96; *lez dir fam 2, 142
[idque — *fin*] Beseler ll cc

D soluto matrimonio dos quemadmodum petatur 24, 3

21 est ⟨et⟩ sive Mo Kr Grosso Riv It sc giur 3 (1928) 66 sq
[dotis]; [de dote]; [de dote]; [de dote]; [de dote] Kr ⟨rei uxoriae⟩ Lenel 60 Cels 89 Grosso l c cf Stella Maranca Celso 66 n 5 et 7 *alii*
[sive pars — evanescit]; [sive ipse — dedit] Bonfante lez dir fam 2, 143
[cum — *fin*] Biondi iud b f 208 Kr (?) Nov Suppl
[ut in — iudiciis] Grosso Riv It sc giur 3 (1928) 67
[maxime — *fin*] Costa exceptio doli 128 Kr Suppl Stella Maranca l c Kr

22 § 1 [pp § 1] Bes 1, 41. 74
[quod ita — *fin*] Czyhlarz Dotalrecht 311 n 4 Kr Suppl
[quod ita — actio] Bonfante lez fam 96; lez dir fam 2, 142; corso 1, 336 n 4; Ist [8] 200 n 2 Solazzi restituz d dote 217 *alii*

§ 2 [dotis] Kr ⟨rei uxoriae⟩ Lenel 954 Grosso Riv It sc giur 3 (1928) 56 n 2

§ 3 [dote] Kr ⟨re uxoria⟩ Lenel 954
⟨non⟩ debet actio [sive] ⟨et si⟩; [sive] ⟨vel⟩ Biondi compensazione 463 (estr 303)
[compensandum — *fin*] Biondi l c 462 sq (estr 302 sq) Grosso (?) Riv It sc giur 3 (1928) 77

§ 4 [dotis] ⟨rei uxoriae⟩ Gradenwitz Itpp 37
[satis dotis fieri] ⟨rei uxoriae satis fieri⟩ Perozzi Ist [2] 1, 397 n 3

§ 5 [secundum — *fin*] Bes 3, 159 Bonfante corso 1, 352 n 1

§ 6 [§ 6] Bes 3, 50; cf 4, 89 Bonfante corso 1, 265. 354 n 6
[pp § 6] Bremer iurispr antehadr 2, 1, 235 Solazzi restituz d dote 212 n 2 Bonfante storia 2, 160 Perozzi Ist [2] 1, 397 n 4. 401 n 3
[Nec — consuletur] Bechmann Dotalrecht 2, 310 sqq. 373 n 1 Biondi iud b f 202
[Nec — quod] (?); ⟨absente filia⟩ nonnunquam (?); [si tam — consumat] (?) Lenel 954
[ideoque — est] (?) [quatenus — consuletur] Gradenwitz SZ 7 (1886) 61
[ideoque — consuletur] Faber coni 5, 19 (Lugduni 141) Lenel l c Kr Bes 2, 74 VJR (?) 1, 845, 33. 965, 34 Guarneri Citati Arch giur 93 (1925) 141 n

22 § 6 [iudicis] ⟨praetoris⟩ Lévy-Bruhl denegatio 31 n 1
[sed si latitet — *fin*] Faber l c
[tali] Bechmann l c Lenel l c Biondi l c
[quid enim — dandam actionem] Bes 1, 66 Albertario Rend Lomb 58 (1925) 101 n Kr Suppl
[quid enim — *fin*] Albertario Rend Lomb 54 (1921) 307 Guarneri Citati l c
[hoc est — merentem] Seckel s v nec l d 362; nimius 2, 367 VJR (?) 1, 745, 23; 4, 143, 2

§ 7 [§ 7] Faber coni 5, 19 (Lugduni 141); iur Pap 9, 2, 14 (Lugduni 415); rat 16, 3, 5, 1 (Lugduni 3, 2, 351) Rudorff Vorm 2, 268 n 5 Bechmann Dotalrecht 2, 313 Gradenwitz SZ 7 (1886) 59; Itpp 11 sq. 98 Lenel 954; Bull 33 (1923) 232 Kr HKrüger SZ 19 (1898) 27 Riccobono Riv dir civ 3 (1911) 43 Bes 3, 50. 81. 87 De Francisci Bull 30 (1921) 162 n 1 Solazzi Arch giur 89 (1923) 80 et n 2 Bonfante storia 2, 160; corso 1, 211 n 3. 265. 477
[$\overline{pp}$ § 7] Cuiac comm Cod postr 12, 1, 1 (Neapoli 2, 886 B); comm Dig 22, 3, 25 (Neapoli 7, 878 D) Wissenbach embl 69 Cohn ZRG 13 (1878) 439 Pernice Ulp als Schriftst 461 n 2 Eisele SZ 7 (1886) 30 Kalb Comment Woelfflin 336 *Di Marzo lez matrimonio 86 Solazzi furor vel dementia 6 Appleton RH 6 (1927) 248 n 1 VJR 1, 635, 49 (?). 741, 51. 851, 25. 936, 43 (?). 957, 44 (?). 1105, 22 (?). 1134, 3 (?); 2, 201, 23 (?); 3, 30, 2 (?). 31, 35 (?). 48, 20 (?). 278, 23 (?); 4, 308, 41 (?). 312, 51 (?). 315, 33 (?). 318, 2 (?); 5, 343, 27 (?). 557, 39 (?) *fere omnes*
[suboles] Volterra Riv It sc giur 4 (1929) 12 n 1

§ 8 [§ 8] Faber coni 5, 19 (Lugduni 141); rat 16, 3, 5, 1 (Lugduni 3, 2, 351) Rudorff Vorm 2, 268 n 5 Gradenwitz SZ 7 (1886) 60; Itpp 11 sq. 98; SZ 23 (1902) 339 Lenel 954 Kr Riccobono Riv dir civ 3 (1911) 43 Bonfante storia 2, 160; Ist [8] 200 n 2; corso 1, 211 n 3. 334 Solazzi Arch giur 94 (1925) 73 n 1 Koschaker Stud Bonfante 4, 4 n 4

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§ 12 [transgrediamur — et] ⟨hanc actionem⟩ Bes 3, 35
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33 [stipularentur] ⟨adstipularentur⟩; [stipulatoribus] ⟨adstipulatoribus⟩ Seckel s v stipulari 556 Kr
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56 [*pp* 56] Solazzi Bull 34 (1925) 302 n Perozzi Ist [2] 1, 361 n 2
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57 [*pp* 57] Kniep mora 2, 157 sq Guarneri Citati Bull 33 (1923) 220 n Bonfante corso 1, 356 n 2; 2, 2, 305 n 1 Pringsheim Festschr Lenel 243 n 6
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59 [potius — redderet] ⟨quam pater dederat, retineret⟩; [utile — esse] ⟨de dote reddenda agere me non posse⟩; idem ⟨puto autem utile mihi rei uxoriae iudicium dandum esse⟩ Beseler SZ 47 (1927) 370

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61 [invita uxore]; [vir]; [ac debuit] Bes 2, 162 'ac debuit' *genuin* Bes 3, 142
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64 § 9 [de successoribusque soceri]; [in quibus — *fin* (gl)] Bes 1, 91 [non . . nec] Ebrard form hypoth 37 n 23 (38)

§ 10 [praestare] ⟨praestari⟩ Betti lit aest 1, 51 n 75
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66 pr [statuit] Mo *genuin* (?) [ait] Bonfante corso 1, 333 n 1

§ 1 [idem iuris] ⟨id enim iuris⟩; [fuisset] ⟨fuisse et⟩ *Βασῆς Κριτικὰ* 7 sq
[quod si — *fin*] Pernice *apud* Bremer iurispr antehadr 2, 1, 205; 2, 2, 435 Kr Guarneri Citati obbl indivis 1, 40 n Biondi compensazione 406 sq (estr 246) Grosso Riv It sc giur 3 (1928) 77
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66 **§ 2** [novandi animo] Bremer iurispr antehadr 2, 2, 435 Kr Levy spons 34 Scialoja Stud Perozzi 412

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66 § 4 fit nisi habeat consensum nulla est⟩ Riccobono l c **ca** 'Labeonis — probo' *genuin* Lauria l c

§ 5 [centum decem] ⟨CX⟩ (?) Lenel 227 [quoniam — translata] Levy Ehescheidung 12 n 5

67 [In — debebit] Beseler SZ 45 (1925) 470

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ED.

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1 § 1 [habent — *fin*] ⟨faciunt retentionem⟩ *vel sim* Alibrandi Stud e doc 3, 102 = opp 1, 430

§ 2 [§ 2] Alibrandi l c

3 § 1 [§ 1] Riccobono Bull 9 (1896) 230; Arch giur 58 (1897) 78; SZ 35 (1914) 286 Pampaloni Riv It sc giur 49 (1911) 211 n 11 Peters Leipz SBer 65, 1 (1913) 89 Schulz SZ 34 (1913) 102 Kr Suppl Pringsheim Festschr Lenel 254. 257 Kunkel SZ 45 (1925) 325 n 2 *alii* **ca** *genuin* Kalb Jber klass Alt 109 (1902) 68 Mitteis (?) SZ 34 (1913) 415
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7 [*pp* quarum — *fin*] Schulz SZ 34 (1913) 70 **ca** Riccobono l c 415 n 2
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8 [deductionem] ⟨retentionem⟩ Biondi iud b f 214 Dumont donations 87 n 3

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8 [quidam] ⟨—⟩ Riccobono l c 338 n 2 Kr Nov Suppl
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9 [9] Riccobono Bull 9 (1896) 238. 249 *sim* Ann Pal 3/4 (1917) 487 Cuq inst 2, 112 n 6 cf manuel 187 n 7 Bes 2, 39 Bonfante corso 1, 370 n 1; Ist^8 204 n 2 *alii* **ca** *genuin* Kalb Jber klass Alt 109 (1902) 68
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11 pr [in — autem] ⟨—⟩ Schulz l c cf Riccobono Bull 9 (1896) 246
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14 § 2 sunt ⟨veluti⟩ (?) Scialoja Dig Mil

15 [sed — videaris] Schulz SZ 34 (1913) 101 Kr Suppl **ca** *genuin* Riccobono Arch giur 58 (1897) 83
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§ 2 [§ 2] Bes 1, 91; 4, 48 Kr (cf Suppl) **ca** Levy l c 123 n 2
[possibile est] Kr Suppl
[tamen — *fin*] Faber rat ad D 3, 5, 33; error 17, 5 Seckel (?) s v reverentia Kr Suppl *plerique*
[tamen — personarum] ⟨nam⟩; casu ⟨non⟩; [non] ⟨sed⟩ Betti Att Tor 51 (1915/16) 1386 n
[in utroque casu] (?) VJR 1, 640, 3
[reverentiam] Solazzi Bull 54 (1925) 301 n 2

§ 4 [de peculio — amotas] ⟨—⟩ Pampaloni Stud Sen 16 (1899) 229; 17 (1900) 166 *sim* Beseler SZ 45 (1925) 470 **ca** Levy Privatstr 116 n 2
[de peculio — dari actionem] Zanzucchi l c 14 Huvelin furtum 1, 622. 628 Biondi a^{nes} noxales 46 n 1
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[vel — dari actionem] Solazzi Bull 11 (1898) 140 Betti ll cc **ca** *s g* Levy Konk 1, 449 n 6
[de dote] ⟨rei uxoriae⟩ Lenel 1774 Kr
[rerum amotarum iudicio] Huvelin l c
[in solidum — satisdatione] Pampaloni l c
[rerum amotarum actionem] Huvelin l c
[nisi — *fin*] Pampaloni l c Siber röm Priv R 226 n 7

4 [4] Albertario Bull 26 (1913) 118 **ca** Levy Konk 1, 450 n 9 Betti Rend Lomb 49 (1916) 238 n 1

5 [quoque]; [utili iudicio] ⟨sine noxae deditione⟩ Pampaloni Stud Sen 17 (1900) 167
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6 pr aiunt ⟨—⟩ Pampaloni l c
[quotiens — est]; [divortii causa] Pampaloni l c Zanzucchi Riv It sc giur 42 (1906) 80 **ca** Levy Privatstr 132 n 3

§ 1 [$\overline{pp}$ § 1] Cohn (?) Beitr 1, 177 n 2 Zanzucchi l c 10 Bes 3, 63
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[item]; ⟨non⟩ tenebitur Beseler SZ 45 (1925) 470
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§ 4 [vel — actione] Pampaloni l c 17 (1900) 151 n 7
[ad — actione] ⟨interdicto quam hereditatem⟩ Bes 4, 47; SZ l c
§ 5 [*pp* § 5] Pampaloni l c 17 (1900) 160 Bes 4, 47 **ca** Zanzucchi Riv It sc giur 47 (1910) 23 n 3 cf Siber röm Priv R 231 n 4
[condici ei] Perozzi Ist [2] 2, 364 n ⟨vindicari⟩ Riccobono Ann Pal 3/4 (1917) 634 **ca** *s g* Levy l c 131 n 4
[recte] Pflüger Cic p Rosc 68; SZ 32 (1911) 177 Kr Suppl (*erratum*: § 4 *pro* 5) Bossowski Ann Pal 13 (1927) 391. 451
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§ 6 [*pp* § 6] Bes 4, 47
7 [*pp* 7] Eisele Compens 122
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8 § 1 [*pp* § 1] Pampaloni Stud Sen 17 (1900) 161 n 48 Biondi actt arbb 162 **ca** Zanzucchi l c 52 *et* 47 (1910) 19
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10 [10] Kamphuisen RH 6 (1927) 630 n 5
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§ 1 qui ⟨propter res amotas utitur retentione vel⟩ Lenel 961 ⟨— retentione⟩
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§ 2 [*pp* § 2] De Francisci az pen 80 Bonfante corso 1, 209 n 2
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11 § 2 [et idcirco — *fin*] Beseler SZ 45 (1925) 470
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15 § 1 [uxor et]; [viro et] ⟨in manu filii vel nepotis⟩ Pampaloni Stud Sen 17 (1900) 167 **ca** Zanzucchi l c 79 n 1 Kr Suppl
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21 § 3 [damnum] ⟨poenam⟩ Pampaloni Stud Sen 17 (1900) 156
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§ 6 [$\overline{pp}$ § 6] Bonfante corso 1, 208 n 7. 209 n 2
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24 [vel proprias — dotales] Riccobono l c 334 n 1. 633 Kr Nov Suppl Albertario Rend Lomb 58 (1925) 819 Bossowski Ann Pal 13 (1927) 392
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26 [$\overline{pp}$ 26] Fabrum *affert* Kr Nov Suppl; Lenel EP ^{2} 299; ^{3} 308 (§ 115) Biondi actt arbb 158. 165 Levy Privatstr 133 n 6 Bonfante corso 1, 209 n 4 *plerique*
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ED.

FRITZ SCHULZ

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3 **§ 1** [*pp* § 1] Faber iur Pap 12, 1, 6 (686) Arnò Arch giur 71 (1903) 344; Mem Mod ser 4, 1 (1926) 92 Solazzi Att Ven 75, 2 (1915/16) 1608; Min età 138; furor vel dementia 4. 20 n 2 Bonfante Ist[8] 225 n 1; corso 1, 476. 499 n 4 Siber röm Priv R 325 n 22
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[quia] ⟨quamvis⟩; [pupillorum persona] ⟨pupillo muliereve lex⟩; [admittimus idcirco] ⟨admitteret tamen⟩; putavi [et]; furiosus [sit] ⟨esset⟩; [non] ut furioso [sed] ⟨non⟩; dari ⟨debere⟩; [quasi — curatorem]; [cum magis — *fin*] Bes 4, 90 cf 2, 75 Kr Suppl
§ 2 [*pp* § 2] Solazzi Riv It sc giur 54 (1914) 289; Aeg 2 (1921) 170 n 3
[pupillave] ⟨muliereve⟩ Taubenschlag Vorm 47 n 1 Kr Suppl Solazzi tutela 1, 22; Aeg l c
[litem] ⟨lege⟩ Hotomanus opp 1, 2, 166 E = observ 5, 30 Wissenbach embl adhl (71) Glück Pand 30, 96 n 95 Rudorff Vorm 1, 390 n 3 Hruza Ueber das lege agere pro tutela 35

D de tutelis 26, 1

3 § 2 ⟨lege aut legitimi iudicio⟩ Lenel 2837 Wlassak Röm Proz Ges 2, 190 n 14
⟨legitimo iudicio⟩ Schulting-Smallenburg Notae adhl
[curator] ⟨tutor⟩; [curatorem] ⟨tutorem⟩; talem [curatorem] ⟨tutorem⟩; [curatorem] ⟨tutorem⟩ Wissenbach Schulting-Smallenburg Glück ll cc Pernice Labeo 1, 230 Lenel Wlassak Hruza Rudorff Solazzi ll cc
[talem] Kr

§ 3 [curatorem] ⟨tutorem⟩ cf § 2
[sexto] ⟨septimo⟩ Lenel 2837

§ 4 [curatorem] ⟨tutorem⟩ cf § 2
[talem] Kr

4 pr [*pp* pr] (?) Bes 3, 90 cf Guarneri Citati indice (2. ed. 1927) s v indistincte
sit [curator] ⟨tutor⟩ Lenel 1780 cf *supra* fr 3, 2 ⟨tutor praetorius⟩ Taubenschlag Vorm 47 n 1
[curator] ⟨tutor⟩ cf *supra*; ⟨tutor praetorius⟩ cf *supra*
[pupillave] ⟨muliereve⟩ Taubenschlag l c Kr Suppl Solazzi tutela 1, 22

§ 1 [vel plures — loco] Taubenschlag l c
[curator] ⟨tutor⟩ cf *supra*
[curator] ⟨tutor praetorius⟩ cf *supra*

5 pr talis [curator] ⟨tutor⟩ Lenel 641 cf *supra* fr 3, 2
[talis] Kr
is [curator] ⟨tutor⟩ cf *supra*

§ 1 [curator] ⟨tutor⟩; [curatorum] ⟨tutorum⟩ cf *supra*

6 pr [pr] ⟨—⟩ Beseler Stud Bonfante 2, 70

§ 1 [praesidibus] ⟨consulibus⟩; [praesides] ⟨consules⟩ Solazzi tutela 2, 6 **ca** Leifer Gewaltgedanke 110
[hoc est — *fin*] Taubenschlag Vorm 25 n 80 Kr Suppl

§ 2 ⟨—⟩ tutoris datio Leifer l c 113 n 1
[vel princeps] Solazzi Arch giur 98 (1927) 30

§ 4 [*pp* § 4] Perozzi Ist^2 1, 230 n 1. 272 n 2
[et non — valere] Bes 3, 167
[non] posse; [non] puto [dationem — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 199
[*pp* et non puto — *fin*] Ratti Bull 35 (1927) 119
captus fuisset ⟨—⟩ Bes 3, 167
[immo — *fin*] Bes 3, 167 Solazzi concorso 2, 39

7 [plane — *fin*] (?) VJR 5, 611, 7 Solazzi Riv It sc giur 54 (1914) 273 n 1

D de tutela 26, 1

8 [debitorum] Solazzi Bull 24 (1911) 163
[debitorum quamvis] Solazzi Riv It sc giur 64 (1920) 34 n 4

9 inscr [tertio] ⟨secundo⟩ Lenel 57
[*pp* 9] Dig Mil Taubenschlag Vorm 44 n 66 Solazzi Bull 28 (1915) 161 n 1 **ca** Berger SZ 35 (1914) 70 n 1

13 pr [etiam] Taubenschlag Vorm 48 n 6
[pr] ⟨—⟩ Solazzi curator impuberis 17

§ 1 [§ 1] ⟨—⟩ Solazzi l c cf Solazzi Rend Lomb 49 (1916) 209

14 pr [*pp* pr] Solazzi Bull 25 (1912) 124 Rechnitz Julian 13 Ebrard SZ 38 (1917) 330 n 8
[vel — pupilli] Tumedei Distinz postclass 56

§ 1 [*pp* § 1] Rechnitz Ebrard ll cc
[§ 1] Solazzi Bull 34 (1925) 300 n 2 Tumedei l c

§ 2 [*pp* § 2] Rechnitz Ebrard ll cc Solazzi Rend Lomb 49 (1916) 646 **ca** Tumedei l c 57 n 1 Perozzi Ist^2 1, 508 n 4 Ratti Bull 35 (1927) 139 cf Ratti Riv It sc giur NS 1 (1926) 192

§ 3 [*pp* § 3] Rechnitz l c

§ 4 [*pp* § 4] Perozzi Mem Bol 2, 2 (1918) 88 n 4 **ca** Berger SZ 35 (1914) 58 Solazzi Bull 28 (1915) 156; Rend Lomb 49 (1916) 646; Att Tor 54 (1919) 959 n 1

§ 5 [*pp* § 5] Rechnitz l c

15 [*pp* 15] Cohn Beitr 1, 2 p 163 sq Lecomte tuteurs 55 Solazzi Rend Lomb 49 (1916) 647 sq
[aut etiam — transfugerit] gl Lenel 2844 n 5 **ca** Rudorff Vorm 3, 235 sq
[aut etiam — aut] Dig Mil
[receptus — eis] gl VJR 5, 25, 17
[sed interim — *fin*] Taubenschlag Vorm 55 n 24

16 pr [plerumque] Wissenbach embl (72) Schulting-Smallenburg adhl Lenel 262 Gradenwitz Bull 2 (1889) 9 Solazzi curator impuberis 149 n 1 Perozzi Ist^2 1, 465 n 5 *alii* **ca** Wenger SZ 26 (1905) 450

§ 1 [perfectae aetatis] Cuiac 1, 42 D = Not Inst 1, 19 n 8 Wissenbach embl (73) Schulting-Smallenburg Notae adhl Lenel l c Solazzi Min età 281; Riv It sc giur 54 (1914) 281

18 [nisi — *fin*] Schlesinger ZRG 8 (1869) 52 Eisele SZ 10 (1889) 316 Lenel 65 Gradenwitz Bull 2 (1889) 9 Kr *alii*

D de testamentaria tutela 26, 2

1 pr [sive feminini — sexus] La Pira Stud Bonfante 3, 320
§ 1 [vel ceteris liberis] La Pira l c 321
4 [$\overline{pp}$ 4] Mancaleoni Stud Fadda 5, 101 sq Solazzi Rend Lomb 53 (1920) 360 n 1. 362 Tripiccione Bull 35 (1927) 174 Bonfante Ist^{8} 216 n 1; corso 1, 417 n 1 Perozzi Ist^{2} 1, 474 n 1
5 [$\overline{pp}$ 5] Ebrard SZ 38 (1917) 330 n 6
[vel filiis] Lenel 2533 Kr Suppl Solazzi tutela 1, 17 n 3
6 inscr [nono] ⟨sexto⟩ Krüger SZ 4 (1883) 30 Lenel 2831
[$\overline{pp}$ 6] Ebrard l c
10 pr tutorem ⟨ex lege Atilia⟩; [quasi — *fin*] Solazzi tutela 1, 46
§ 2 Vellea ⟨confirmatam, ubi testamentum intellegitur⟩ *vel sim ins* Bonfante Dig Mil
§ 4 [potest autem — *fin*] Eisele SZ 11 (1890) 27 Kr Wlassak SZ 26 (1905) 409 n 4 Perozzi Ist^{2} 1, 248 n 2 *plerique*
[quin — *fin*] Beseler SZ 47 (1927) 370
[si voluntas — *fin*] Lenel 2830
11 pr [quis] ⟨parens⟩; tutor ⟨ex lege Atilia⟩ Solazzi tutela 1, 46
§ 1 [tutor testamentarius]; excusati ⟨ex senatus consulto tutorem⟩ Solazzi l c 47 n 1
§ 1—3 *Ulp hoc loco senatusconsultum, quod legitur* Gai 1, 182, *rettulisse putat* Perozzi Mem Bol 2, 2 (1918) 89 n 4 **ca** Solazzi Att Tor 54 (1919) 959 n 1
§ 4 [vel in civitate esse desiit]; [vel in civitate sit] Taubenschlag Vorm 60 n 39
16 § 2 [vel filiis] Ratti Bull 35 (1927) 132 Solazzi La legge delle XII tavole sulla tutela 14 n 1 = Pubbl Modena 30 (1928) 57 n 1
[si non — *fin*] Kr Ratti Solazzi ll cc
§ 3 ut ⟨etiam⟩; [non] videatur [licet — *fin*] Schulz Gedächtnisschr Seckel 129 Solazzi l c
§ 4 [nec — *fin*] Schulz Solazzi ll cc
17 pr [$\overline{pp}$ pr] Solazzi Riv It sc giur 53 (1913) 267 n 3 Beseler Subsiciva 10
[testamento — certius est]; [sed recte — satisdare] (?); [nam et si — *fin*] Taubenschlag Vorm 12 sq Kr Suppl
§ 1 [$\overline{pp}$ § 1] Solazzi l c 270 sq; Bull 28 (1915) 164 n 3 Beseler l c
19 pr § 1 [$\overline{pp}$ pr § 1] Beseler Subsiciva 10
§ 1 [$\overline{pp}$ ideoque — eligat] ⟨—⟩ Solazzi Arch giur 94 (1925) 74 sq

D de testamentaria tutela 26, 2

20 § 1 [quia — *fin*] Solazzi tutela 1, 14 Pringsheim Stud Bonfante 1, 569
22 quis ⟨servum suum sine libertate⟩ tutorem — suo [servum — is] ⟨servus⟩ Beseler SZ 47 (1927) 370
24 [curatorem] ⟨tutorem⟩ Wissenbach embl adhl (74) Pernice Labeo 1, 230 Lenel 19 *plerique*
27 pr [$\overline{pp}$ pr] Solazzi Rend Lomb 52 (1919) 232 sq
[nam — *fin*] Faber iur Pap 12, 1, 50 (731) Kr Suppl
§ 1 [$\overline{pp}$ § 1] Solazzi Riv It sc giur 53 (1913) 383 n 3; curator impuberis 151
28 pr [modo — *fin*] Solazzi Bull 34 (1925) 309 n 1 Donatuti Bull 34 (1925) 194
29 [curatorem] ⟨tutorem⟩ Solazzi Min età 160. 269; curator impuberis 18 Laprat crimen 327 n 1
[hoc ipsum — declarantis] (?) Solazzi Min età 269 Kr Suppl **ca** Laprat crimen 327 n 2
[cum autem — *fin*] Beseler SZ 47 (1927) 360 **ca** HKrüger Stud Bonfante 2, 309
32 § 1 [in omnibus — iure] Solazzi tutela 1, 53
§ 2 [$\overline{pp}$ § 2] Göschen ZGRW 3 (1817) 286 sq Rudorff Vorm 1, 280 Tumedei Riv It sc giur 63 (1919) 88. 101 Kr Suppl
[quidem]; [tutela autem — *fin*] Lenel 1528 Perozzi Mem Bol 2, 2 (1918) 48 n 2
[quoniam — *fin*] Mitteis RPR 1, 288 n 89 Kr (?) Nov Suppl
[fuit autem — aetatis] Perozzi l c
[viginti quinque] ⟨triginta⟩ Göschen Perozzi l c Rotondi Scr giur 1, 402 n 1
[pupillaris aetatis] gl; [Lucius] Eros gl; [Eroti] gl; [non] dedit; [viginti quinque] ⟨triginta⟩; libertatem ⟨ex iure Quiritium⟩; quoniam ⟨lege Aelia Sentia cautum esset, ne minor triginta annis servus testamento manumissus civis Romanus fieret⟩ [placet — videri]; [et liberum — hereditate]; [tutela — *fin*] Beseler SZ 47 (1927) 370

D de confirmando tutore vel curatore 26, 3

1 § 1 [κατὰ διαθήκας] gl Mo
[ἢ ἀλλοτριός τις] Solazzi Rend Lomb 53 (1920) 359 n 1 Bonfante corso 1, 419 n 1 Perozzi (?) Ist^{2} 1, 473 n 5

D de confirmando tutore vel curatore 26, 3

1 § 1 [ἢ κουράτορα] gl Mo gl *aut* T Lenel 69 Bes 2, 41 T Solazzi Min età 21 Bonfante corso 1, 508 n 1

§ 3 [§3] Solazzi Min età 21; curator impuberis 139 Kr Suppl Bonfante corso 1, 508 n 1

2 pr [$\overline{pp}$ pr] Tripiccione Bull 35 (1927) 172 testamento tutorem ⟨vel curatorem⟩ Pacchioni corso dir rom 2, 114 n 232 [praetoris] ⟨consulis⟩ M Voigt RG 2, 602 n 73 Perozzi Ist² 1, 479 n 1 **ca** Taubenschlag Vorm 25 n 79 Solazzi Arch giur 85 (1921) 4 n 2; Rend Lomb 55 (1922) 85 ⟨consulis vel⟩ praetoris vel proconsulis ⟨legative Caesaris⟩ Solazzi Arch giur 100 (1928) 7; ist tut 58 sq

§ 1 [§ 1] Solazzi Min età 21 Kr Suppl [$\overline{pp}$ § 1] Bonfante corso 1, 508 n 1 Tripiccione l c [filiis eius] ⟨impuberi filio, tutor⟩ Solazzi Rend Lomb 53 (1920) 361 n 1 Kr Nov Suppl

3 [aut] non; [aut non — praecipiebatur] confirmandus est [ad — gerendam] Solazzi ist tut 79 n 4. 125 n 3; Arch giur 85 (1921) 282 n 2

4 [vel quivis extraneus]; [et extra — pupillus]; [et impuberem — *fin*] Solazzi Rend Lomb 53 (1920) 367 [et — pupillus] Mancaleoni Stud Fadda 5, 103 sq Kr Nov Suppl [vel quivis extraneus] Kr Nov Suppl [non male — *fin*] Bonfante corso 1, 419 n 2 [vel — extraneus]; ⟨liberto⟩ impuberi [quem — instituerit]; [qui et — *fin*] Perozzi Ist² 1, 474 n 2

5 [nec voluntas — excusat] (?) Kunkel SZ 45 (1925) 319 [denique — pronuntiatis] Solazzi Riv It sc giur 53 (1913) 271 n 3 Kr Suppl **ca** Solazzi Att Ven 77, 2 (1918) 13

6 [$\overline{pp}$ 6] Bonfante corso 1, 508 n 1 si ⟨pater⟩ filio [puberi pater tutorem aut]; [citra inquisitionem]; [eos] ⟨eum⟩ Bes 2, 41 cf Kr Suppl si [filio puberi] pater [tutorem aut]; [eos] ⟨eum tutorem⟩; [confirmare] ⟨dare⟩ (?) Solazzi curator impuberis 138

7 pr [$\overline{pp}$ pr] Gradenwitz Bull 2 (1889) 9 [cui nihil relictum est] Faber iur Pap 9, 2, 1 (374); 12, 1, 32 (715) Wissenbach embl adhl (74 sq) Schulting-Smallenburg Notae adhl Lenel 50 Solazzi Rend Lomb 53 (1920) 360 Perozzi Ist² 1, 473 n 4 *omnes*

D de confirmando tutore vel curatore 26, 3

7 pr [sine inquisitione] Bonfante Ist⁶ 216 n 1 Solazzi l c [nec — *fin*] Perozzi l c

§ 1 ex [inquisitione] ⟨lege Atilia vel Iulia et Titia⟩ Solazzi tutela 1, 36 [ex inquisitione] Solazzi Arch giur 100 (1928) 14 [quattuor] ⟨tria⟩ Solazzi Arch giur l c 16 [et pro — *fin*] Solazzi Arch giur l c 16 Tripiccione Bull 35 (1927) 175 n 1

8 [$\overline{pp}$ 8] Seckel (?) s v emergere Solazz Rend Lomb 53 (1920) 360 n 1; Riv It sc giur 64 (1920) 9 n 2 *alii* [vel curatores] Kr Solazzi Min età 22; Bull 28 (1915) 166 n 2 Bonfante corso 1, 508 n 1 [vel morum — improbitas] Kalb JL 76 n 2 Kr Suppl

9 [$\overline{pp}$ 9] Solazzi Rend Lomb l c [9] (?) Bes 3, 67 De Francisci Synall 2, 464

10 [$\overline{pp}$ 10] Solazzi Rend Lomb l c

11 [$\overline{pp}$ 11] Solazzi Min età 23 Kr Suppl Bonfante corso 1, 508 n 1 [nisi id — *fin*] Gradenwitz Itpp 200 Lenel 81 n 4 Kr *alii*

D de legitimis tutoribus 26, 4

1 pr [et consanguineis] Solazzi tutela 1, 4 [hoc summa — *fin*] Albertario Athenaeum Pavia NS 6 (1928) 6 Pringsheim Stud Bonfante 1 (1930) 570 n 125. 586

§ 2 interim ⟨tutor⟩ Beseler SZ 45 (1925) 196

§ 3 [$\overline{pp}$ § 3] Solazzi tutela 1, 27 n 2 Bonfante corso 1, 179 n 2

2 pupilli ⟨vel mulieris⟩ (?) Solazzi tutela 1, 18 n 1 [etiam — contingit] Coli saggi crit 1, 33 Solazzi tutela 1, 4 n 2 Perozzi Mem Bol 2, 2 (1918) 91 n 2

3 pr legitima [quae]; [specialiter vel]; [delata est] Solazzi tutela 1, 12 [legitima quae]; [specialiter vel]; [delata est] Solazzi La legge delle XII tavole sulla tutela 3 = Pubbl Modena 30 (1928) 46

§ 1 [etiam compulsus]; [manumisit] Solazzi tutela 1, 27 n 2

§ 3 [$\overline{pp}$ § 3] Bonfante corso 1, 179 n 2 [testamento manumissis] gl Lenel 2838 [ad familiam — *fin*] Loreti-Lorini Bull 34 (1925) 55

D de legitimis tutoribus 26, 4

3 § 5 [simili — *fin*] Solazzi Bull 34 (1925) 300 n 2
⟨aliam⟩ servitutem Ratti Riv It sc giur NS 1 (1926) 192

§ 8 [*pp* § 8] Taubenschlag Vorm 43 n 61 Solazzi Min età 280; Att Tor 54 (1919) 959 n 1. 965 n 1 Kr Suppl Bonfante corso 1, 433 n 1 Perozzi Mem Bol 2, 2 (1918) 82. 88 n 4 Laprat crimen 234
⟨—⟩ quaeri ⟨tamen⟩; si ⟨postea⟩; [vel excusatus] Solazzi Rend Lomb 53 (1920) 367 sq. 372

§ 10 [impuberes] Rudorff Vorm 1, 238 n 34 Kr Suppl Solazzi Riv It sc giur 64 (1920) 40 n 1
[filium — impuberes] ⟨—⟩ Taubenschlag Vorm 79 n 38
filium ⟨impuberem⟩; nepotem ⟨impuberem⟩; deinceps ⟨masculos⟩ impuberes ⟨vel feminas⟩ Solazzi tutela 1, 19 cf Athenaeum Pavia 5 (1927) 109 sq
[quos — emancipet] Solazzi 1 c

4 [si — exsistant] Cuiac 1, 42 D = Not Inst 1, 19 n 8 Faber iur Pap 12, 2, 4 (747) Kr Perozzi Mem Bol 2, 2 (1918) 53 Bonfante corso 1, 431 n 2
[perfectae aetatis] ⟨virilis sexus⟩ Lenel 14 Perozzi 1 c
liberi ⟨virilis sexus⟩ perfectae aetatis Solazzi Riv It sc giur 64 (1920) 40 n 2
[fratris vel] Bonfante corso 1, 420 n 5

5 pr [*pp* pr] Taubenschlag Vorm 8 n 39 Solazzi Riv It sc giur 53 (1913) 272. 276 cf tutela 1, 5 sq

§ 1 [*pp* § 1] Peters SZ 32 (1911) 229 n 2 Solazzi Riv It sc giur 64 (1920) 34
[sed hoc causa — *fin*] Bes 1, 92; 3, 168 Solazzi Min età 298 Kr Suppl
[utrum debeat — *fin*] Taubenschlag Vorm 6 Solazzi Riv It sc giur 53 (1913) 276 sq
[et maxime — modica sit] Mancaleoni Fil 26 (1901) 269 n 4

§ 2 [in legitimis] Peters SZ 1 c Taubenschlag Vorm 22 Kr Suppl Perozzi Ist[2] 1, 483 n 1
[magistratibus] ⟨praetore⟩ Taubenschlag 1 c
in legitimis [et — dantur] Solazzi Riv It sc giur 53 (1913) 277 sq; Att Ven 77, 2 (1918) 7; Rend Lomb 50 (1917) 182 n 2; ist tut 98
in legitimis ⟨tutoribus⟩ [et — dantur] Beseler Subsiciva 10

D de legitimis tutoribus 26, 4

5 § 2 [posse — *fin*] Kr (?) Suppl Beseler 1 c
[ut uni — *fin*] Taubenschlag 1 c Solazzi ist tut 1 c

§ 3 [*pp* § 3] Peters 1 c Kübler Krit Viert 52 (1914) 13 Levy SZ 37 (1916) 37 n 3 Solazzi Att Ven 1 c 8 Beseler 1 c
ergo ⟨et legitimi et qui a magistratibus dantur⟩ Taubenschlag Vorm 15
[magis est — *fin*] Taubenschlag 1 c Calonghi Riv fil 42 (1914) 378 Kr Suppl

§ 4 [*pp* § 4] Faber iur Pap 12, 2, 6 (749) Beseler 1 c
[maxime] Peters 1 c Kr Suppl Solazzi Riv It sc giur 64 (1920) 32 Taubenschlag Vorm 17
patronis ⟨etiam in hoc casu⟩; [nisi — *fin*] Taubenschlag 1 c
[nisi — deminuat]; [qui — *fin*] Solazzi 1 c 32 n 3

§ 5 [*pp* § 5] (?) Solazzi ist tut 279

6 filio impubere ⟨vel filia⟩ Solazzi tutela 1, 19

8 [si — sunt] Cuiac 1, 42 D = Not Inst 1, 19 n 8 Faber iur Pap 12, 2, 4 (748) Wissenbach embl (75) Schulting-Smallenburg Notae adhl Eisele SZ 18 (1897) 4 Kr Lenel 559 n 1 Solazzi Min età 281; Riv It sc giur 54 (1914) 281 Perozzi Mem Bol 2, 2 (1918) 52 Bonfante corso 1, 431 n 2 **ca** Solazzi Riv It sc giur 64 (1920) 20 sq
[perfectae aetatis] ⟨puberes⟩ Kniep Gai comment 1, 280

10 pr [nec amita — magno] Glück Pand 29, 335 sq **ca** Rudorff Vorm 1, 197 n 6
[vel — filiis] gl Glück 1 c 337 Rudorff 1 c

§ 1 [nec] legitimi; [cum — *fin*] Perozzi Mem Bol 2, 2 (1918) 70; Ist[2] 1, 468 n 2
[nec alio modo] Karlowa RG 2, 274 Kr
nec [alio modo] ⟨codicillis⟩ Solazzi Riv It sc giur 53 (1923) 269 n 2

D de tutoribus et curatoribus datis ab his qui ius dandi habent et qui et in quibus causis specialiter dari possunt 26, 5

1 pr [sive proconsulatum — provinciae] Solazzi Arch giur 100 (1928) 7

§ 2 [vel] ⟨et⟩ Solazzi Att Ven 77, 2 (1918) 4 n 2; cf Arch giur 100 (1928) 11

D de tutoribus et curatoribus datis ab his etc 26, 5

3 [$\overline{pp}$ 3] Leifer Gewaltgedanke 113 Solazzi Att Ven l c 6 sq Bonfante corso 1, 423 n 1

4 [pedaneus] Pernice SZ 14 (1893) 177 Wlassak Jud bef 229 n 105 **ca** Glück-Ubbelohde 43/44 2, 553
[compromissarius — sententia] Wlassak *apud* Mitteis RPR 1, 51 n 26
[sicut — *fin*] VJR 5, 354, 10. 41. 355, 16. 534, 10

7 [curatorem] ⟨tutorem⟩; [curator] ⟨tutor⟩ Cuiac 3, 743 C = observ 26, 7 Raevardus 2, 40 = var 2, 10 Schulting-Smallenburg Notae adhl Rudorff Vorm 1, 398 n 4 Savigny Verm Schr 1, 283 n 2 Pernice Labeo 1, 230; SZ 14 (1893) 172 n 1 Lenel 2255 *plerique*

8 pr [$\overline{pp}$ pr] (?) Solazzi Att Ven 77, 2 (1918) 10 n 3; furor vel dementia 9 n 4

§ 1 [aut dementia] HKrüger SZ 14 (1893) 266 Bonfante corso 1, 477 n 2
[aut — constitutus] Solazzi Min età 139; furor vel dementia l c

§ 3 [et furiosae] gl (?); [vel curator] Solazzi Min età l c Kr Suppl **ca** Solazzi tutela 1, 19 n 2

9 [impuberi] ⟨mulieri⟩ Rudorff Vorm 1, 386 n 6 Taubenschlag Vorm 63 **ca** Solazzi curator impuberis 48

10 [et quoquo modo]; [in facti causa] Solazzi tutela 2, 22

11 [$\overline{pp}$ 11] Rudorff Vorm 1, 400 n 10 **ca** Taubenschlag Vorm 52 n 15 Solazzi curator impuberis 38 n 2
[curator] ⟨tutor⟩ Solazzi Min età 246 n 3 **ca** Solazzi curator impuberis 38
⟨rei publicae causa⟩ afuerit Solazzi curator impuberis l c
[pupillae] ⟨mulieri⟩ Solazzi tutela 1, 22 sq

13 § 1 [facile] Taubenschlag Vorm 1, 10 n 42 **ca** Solazzi Riv It sc giur 53 (1913) 281 n 1 Kübler KritViert 52 (1914) 12
[non facile] Solazzi tutela 1, 25
ius quidem [liberti] ⟨tutoris⟩ Solazzi Riv It sc giur 64 (1920) 32 n 1
[ius quidem — *fin*] Solazzi tutela 1, 26

§ 2 [$\overline{pp}$ § 2] Wissenbach embl adhl (76 sq) Solazzi Att Ven 77, 2 (1918) 12 Solazzi Min età 13 n 1; Att Ven 75, 2 (1916) 1600 n 2 Bonfante corso 1, 469 n 5. 501
[sed] Solazzi tutela 1, 26

D de tutoribus et curatoribus datis ab his etc 26, 5

13 § 2 [tutor — esse] Savigny Verm Schr 1, 283 n 2; 2, 389 n 1 Perozzi Ist² 1, 538 n 4
tutor [esse] ⟨administrare⟩ Lenel 194 n 1

15 [curator] ⟨tutor⟩ Rudorff Vorm 1, 401 n 16 Taubenschlag Vorm 56 Lenel 103 n 9 Solazzi curator impuberis 27 Kr Nov Suppl

16 [quod — *fin*] Taubenschlag Vorm 56 n 27 Solazzi l c Kr Nov Suppl

19 pr [$\overline{pp}$ pr] Solazzi Att Ven 77, 2 (1918) 11 sq Bonfante corso 1, 423 n 1

21 pr [$\overline{pp}$ pr] Solazzi Min età 192 n 3

§ 1 [$\overline{pp}$ § 1] Bonfante corso 1, 489 n 6

§ 2 [$\overline{pp}$ § 2] Solazzi Bull 28 (1915) 182 n 2

§ 3 [ἢ κουράτορας] (?) Solazzi Min età 51

22 inscr [quinto] ⟨sexto⟩ Lenel 66

24 [officium — magistratuum] ⟨iussu praetoris⟩ Solazzi Att Ven 77, 2 (1918) 18

25 [ergo — *fin*] Solazzi Riv It sc giur 54 (1914) 287; curator impuberis 102

26 [$\overline{pp}$ 26] Wissenbach embl adhl (76 sq)
[egressae a. duodecim]; [quasi minori] Faber sec Kr Suppl (?)
praetoris ⟨et maioris partis tribunorum plebis⟩ Solazzi tutela 1, 37
[ex inquisitione] Solazzi Arch giur 100 (1928) 16 n 1

28 [iudice] ⟨consule⟩ (?) Solazzi Att Ven 77, 2 (1918) 15; Bull 35 (1927) 55

29 [vel curatores] (?) Solazzi Min età 178 n 3; curator impuberis 118 n 1

D qui petant tutores vel curatores et ubi petantur 26, 6

1 [nisi — *fin*] Solazzi curator impuberis 86 n 1

2 § 5 [et apud — *fin*] Augustinus Otto Thes 4, 1565 Mo Schulting-Smallenburg Notae adhl Ebrard form hypoth 147 n 57

§ 6 [§ 6] π Ebrard l c n 54

3 [curatorem] ⟨tutorem⟩ Solazzi Min età 192 n 3. 275 n 4 Kr Suppl; Nov Suppl

4 pr [$\overline{pp}$ pr] Solazzi Riv It sc giur 53 (1913) 269 n 2; Arch giur 85 (1921) 282 n 2

§ 1 [§ 1] (?) Albertario contr crit Dig 43; delictum 22

§ 4 [et potest — mater] gl; [etiamsi — *fin*] Solazzi Rend Lomb 53 (1920) 361

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1 pr [$\overline{pp}$ pr] Solazzi ist tut 35 sq
§ 1 [$\overline{pp}$ § 1] Solazzi l c 36 n 1. 97 n 1
§ 2 [§ 2] Cuiac 6, 514 D = Paul resp 2, 14 adhl HKrüger Herstellg 142 ca Pernice Labeo 1, 215 sq
[nec — solent] Faber iur Pap 12, 6, 8 (811) Wenger act iud 194 sq Koschaker transl 152 n 2 HKrüger l c
[licentia — *fin*] Faber l c Rudorff Vorm 2, 457 n 15 Gradenwitz Itpp 99 sq Lenel 992 n 3 cf Seckel s v fari; s v licentia
[$\overline{pp}$ nec — suscipiatur] Wenger l c
[nec — suscipiatur] Koschaker l c Solazzi Bull 22 (1910) 8 sq; 25 (1912) 126 Perozzi Ist^2 1, 491 n 5 Kniep Gai comment 3, 168, 736 ca Debray NRH 35 (1911) 99
[qui supra — sunt] (?) Buhl Salvius Iulianus 151
[supra — sunt] *plerique* ⟨fari possunt⟩ Ferrini Pand 89 n 1 Perozzi l c Solazzi l c PKrüger SZ 37 (1916) 94
praesto [fuerint] ⟨sint⟩ Solazzi l c
[ita tamen — *fin*] Albertario Arch giur 89 (1923) 262 n 4; cf Stud Bonfante 1, 637 n 110
[pro his — *fin*] Perozzi Ist^2 1, 462 n 1
§ 3 [§ 3] Faber rat *ad* D 13, 7, 16 pr (3, 622); iur Pap 12, 6, 8 (812) Rudorff Vorm 2, 457 n 15 Gradenwitz Itpp 99 Kr Lenel 992 Solazzi Bull 22 (1910) 22; Min età 206 Siber Jher Jb 67 (1917) 88 n 1 *plerique*
[licentia — *fin*] ⟨—⟩ Betti D 42, 1, 63 p 375
§ 4 [§ 4] Faber iur Pap 12, 6, 8 (812) Gradenwitz Lenel ll cc Solazzi Min età 207 Betti l c Kr Suppl *plerique*

2 pr [$\overline{pp}$ pr] Lenel EP^3 99 (§ 32) Buckland text-book 157 n 1 Solazzi Bull 22 (1910) 12; 25 (1912) 127 Bonfante Ist^8 397 n 2 ca *genuin* Debray NRH 35 (1911) 101
[et maxime] Wenger act iud 198 sq Kr Solazzi l c 13 Bes 3, 79 Perozzi Ist^2 1, 491 n 5 Betti l c 368 ca Debray l c
[semper] Wenger Solazzi Bes Perozzi Betti ll cc ca Debray l c

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2 pr [condemnavit — ipse]; [pupillo et]; [nec pignora — *fin*] Bes l c Kr Suppl
[nisi — pupillum] Albertario Fil 36 (1911) 814 Solazzi Bull 25 l c 97 Kr Suppl
condemnato ⟨si non se liti optulit⟩; in pupillum ⟨dandam⟩ Betti l c 368
§ 1 ⟨hoc⟩ amplius Bes 3, 79
[fideiussoribus]⟨sponsoribus⟩ Lenel 323
[maxime] Wenger l c 202 sq Kr Bes l c Perozzi Ist^2 1, 491 n 5

3 pr [curatores] ⟨tutores⟩ Solazzi Min età 52; Bull 24 (1911) 156 ca Lenel SZ 35 (1914) 151
[curatores dati] ⟨tutores legitimi⟩ Solazzi Riv It sc giur 53 (1913) 279 sq. 280 n 3; curator impuberis 56 n 2; furor vel dementia 21 n 2
§ 1 [vel pater — habet] Taubenschlag Vorm 20 Solazzi Riv It sc giur 53 (1913) 273 Kr Suppl
§ 2 [$\overline{pp}$ § 2] Solazzi Riv It sc giur 54 (1914) 69 Levy SZ 37 (1916) 23 n 2. 72 n 10 Kr Suppl *alii*
[nec quisquam — *fin*] Ascoli Stud e doc 11 (1890) 136 Kr Bes 3, 76. 119; 4, 235 Solazzi Riv l c Laprat crimen 284. 286
§ 3 [§ 3] Bes 3, 145
[forte — *fin*] Taubenschlag Vorm 20 Solazzi Riv It sc giur 53 l c; Bull 28 (1915) 164 n 3; curator impuberis 12 Kr Suppl
§ 4 [$\overline{pp}$ § 4] Taubenschlag Vorm 19 sq Solazzi Riv It sc giur 53 (1913) 273; curator impuberis 12; Rend Lomb 52 (1919) 228
§ 5 [§ 5] Solazzi Riv It sc giur l c 274; Min età 23 Kr Suppl Bes 4, 91 Bonfante corso 1, 508 n 1
§ 6 [§ 6] Solazzi Riv l c Bes 1, 92; 3, 37. 101; 4, 213 Kr (?) Suppl Lecomte tuteurs 96 n 36
§ 7 [praetor — *fin*] Taubenschlag Vorm 21 Kr Suppl ca Lecomte l c 99
§ 8 [§ 8] Albertario Riv dir comm 27, 1 (1929) 256 n 1
[$\overline{pp}$ § 8] De Medio Bull 18 (1906) 270 n 2
[plane]; [tutores] Taubenschlag Vorm 22 Solazzi Riv It sc giur 53 (1913) 275 Kr Suppl
[praetori] Taubenschlag Solazzi ll cc Levy SZ 37 (1916) 74
[nec — periculi] Bes 1, 92 Taubenschlag Solazzi Levy ll cc Kr Suppl

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5 pr [pr] Mancaleoni Fil 26 (1901) 269 Kr Lenel EP³ 315 (§ 120) Solazzi Riv It sc giur 53 (1913) 285; Min età 58 n 10 Bonfante corso 1, 444 n 4
[id — colligi]; [si enim — cessat] Kr
[quae ergo — *fin*] Bes 1, 92 Kr (?) Suppl
[si enim — *fin*] Seckel s v tutela
[nec — *fin*] Kuttner Festschr Martitz 266 n 5

§ 1 [$\overline{pp}$ § 1] Solazzi Riv It sc giur 54 (1914) 36; ist tut 37 Levy SZ 37 (1916) 20 n 1

§ 5 [$\overline{pp}$ § 5] Beseler Stud Bonfante 2, 79

§ 6 [$\overline{pp}$ § 6] Solazzi Min età 52 sq; curator impuberis 132 n 2 **ca** Lenel SZ 35 (1914) 152

§ 7 [et est — constitutam] Segrè Stud Fadda 6, 350 n 1 Kr (?) Suppl
[nemo — constitutam] Bes 1, 84 **ca** Peters SZ 32 (1911) 214 n 4
[nec mutare — constitutam] Cicogna tutela 23
[huiusmodi — *fin*] ⟨—⟩ Beseler Stud Bonfante 2, 80

§ 8 [sed viris — *fin*] Albertario Riv fil 7 (1929) 91

§ 10 [§ 10] Bes 2, 41 Solazzi Riv It sc giur 54 (1914) 32 Kr (?) Suppl

7 pr [nisi forte — non sit]; [dolo]; [nisi id — *fin*] Bes 1, 92 Kr Suppl Perozzi Ist² 1, 488 n 3. 504 n 4
[nisi forte — non fecerit] ⟨et⟩ Solazzi Riv It sc giur 53 (1913) 292; ist tut 284
[nihil itaque — *fin*] Solazzi ll cc Kr Suppl

§ 2 [hoc est — *fin*] Bes 1, 93; 4, 236 Lenel SZ 38 (1917) 275 (cf Arangio-Ruiz resp 264) Kr Suppl Kunkel SZ 45 (1925) 317
[recte — *fin*] De Medio Bull 18 (1906) 262 Kr Bonfante corso 1, 459 n 1 **ca** Binding Normen 2², 2 735 n 52
[solam — neglegentiam]; [in hac parte] Mitteis RPR 1, 328 n

§ 3 [§ 3] Bonfante corso 1, 444 n 4
[quamquam — *fin*] Pernice SZ 19 (1898) 123 n 3 Kr Suppl Lenel EP³ 315 (§ 120) Bes 1, 93 Solazzi Riv It sc giur 53 (1913) 285 sq; Min età 147 *alii*

§ 4 [legitimas] ⟨centesimas⟩ Mommsen jur Schr 3, 359 Lenel 1003 n 1
[sed hoc — vertit]; [doceri — *fin*] Bes 1, 93; 4, 69 Kr Suppl Albertario Rend Lomb 58 (1925) 251 n 3

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7 § 7 [§ 7] Faber iur Pap 12, 7, 11 (846) Solazzi Riv It sc giur 53 (1913) 286 Bonfante corso 1, 444 n 4
[legitimae] ⟨centesimae⟩ Mommsen l c Lenel l c n 2
[si deponi — videndum est] Mancaleoni Fil 26 (1901) 270

§ 8 [§ 8] Faber iur Pap 12, 7, 11 (846)
[cum et — *fin*] Bes 1, 93 Kr Suppl

§ 9 [§ 9] Faber l c

§ 10 [§ 10] Faber l c
[$\overline{pp}$ § 10] Seckel s v penes Bes 2, 24 v 'legitimus' *semper pro* 'centesimus' *itp* Lenel 1003 n 1—3
[vel — ei legitimas] Levy spons 101 Solazzi Riv It sc giur 53 (1913) 286 n 2

§ 11 [$\overline{pp}$ § 11] Lenel SZ 35 (1914) 173 Bonfante corso 1, 444 n 4
[duum mensum] Mancaleoni Fil 26 (1901) 273 n 4 Solazzi (?) Min età 123 n 5 Kr Suppl
[seu laxamentum] Bes 1, 93 Solazzi l c 124 Kr Suppl
[vel adulescentium] Solazzi l c 124 Kr Suppl

§ 12 [vel curator]; [retinuerint] ⟨retinuerit⟩; [eos] ⟨eum⟩; [convenerint] ⟨convenerit⟩ Solazzi Min età 124; curator impuberis 79 Lenel l c Kr Suppl

§ 13 [curatoris] ⟨tutoris⟩; [curator] ⟨tutor⟩ Solazzi l c Lenel l c Kr Suppl

§ 14 [si suspectum — supersedit] Taubenschlag Vorm 32 n 21 Kr Suppl **ca** Berger SZ 35 (1914) 61 n 2
[si suspectum — *fin*] Levy SZ 37 (1916) 44 cf Laprat crimen 281 sq

§ 15 [in diem — *fin*] Solazzi Min età 57 n 2

8 [si forte — *fin*] Mancaleoni Fil 26 (1901) 271 Bes 3, 142 Kr Suppl Lenel EP³ 155 n 2 (§ 56)
[si forte — sane]; [ad pecunias attinet] Solazzi Min età 197 n 2

9 pr [pupillarem] ⟨pupilli⟩; [stipulatio — facienda est]; [enim]; [nequaquam — *fin*] ⟨scribit X⟩ Bes 2, 26; 3, 140 Kr Suppl

§ 1 [$\overline{pp}$ § 1] Bes 3, 119; 4, 236 Beseler SZ 45 (1925) 471 ⟨—⟩ Peters SZ 32 (1911) 196 cf Kr Suppl
[ego et hoc — *fin*] Faber iur Pap 12, 6, 10 (817)
[fideiussores] ⟨sponsores⟩ Lenel 1028 n 2

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9 § 3 [§ 3] Bes 3, 87; Stud Bonfante 2, 80 Kr Suppl
§ 4 [pp § 4] (?) Bes 3, 125
§ 6 [nec enim — *fin*] Bes 1, 93
verum ⟨—⟩ Lenel 1028 n 1 Dig Mil
§ 7 [pp § 7] Solazzi Bull 22 (1910) 97 sq ⟨—⟩ Hupka Vollmacht 315
[seque — *fin*] Eisele SZ 11 (1890) 23
§ 8 [ut — augmentum] Kr Suppl
[vel — augmentum]; [si autem — *fin*] Taubenschlag Vorm 49 Solazzi Min età 297; Riv It sc giur 54 (1914) 47 n 2 Levy SZ 37 (1916) 82 Laprat crimen 287 sq Bonfante corso 1, 466 n 2 Kr Nov Suppl
§ 9 [pp § 9] Solazzi Min età 53. 297
[vel curator]; [quae res — *fin*] Taubenschlag l c 49 Kr Suppl; Nov Suppl

10 inscr [quadragesimo] ⟨quinquagesimo⟩ Lenel 1386; EP³ 415 n 1 (§ 204)
[generaliter — videtur defendi] Kunkel SZ 45 (1925) 310

11 [pp 11] Bes 3, 50 Solazzi curator impuberis 103
[quod et — *fin*] Solazzi Min età 170 **ca** Lenel SZ 35 (1914) 186

12 § 1 [bona fide]; [legitime]; [nec interest — *fin*] Ferrini Pand 944 n 2 Perozzi Ist² 1, 486 n 6 [legitime] Solazzi Bull 25 (1914) 125 Kr Suppl
[nam — emente]; [cum — *fin*] Bes 3, 63 Kr Suppl
§ 3 [pp § 3] Landucci Stud Bonfante 4, 603
[alio — natae] Riccobono Riv dir civ 3 (1911) 49 Albertario alimenti 29 Bonfante corso 1, 302
[nonnunquam — expediet] Albertario l c cf Solazzi l c 103

13 § 2 [aliud est — possit] Albertario l c
[forte — sorori] Riccobono l c Kr Suppl

14 [si potuit — *fin*] Solazzi Bull 28 (1915) 169 sq Levy SZ 37 (1916) 50 Kr Suppl cf Laprat crimen 264 sqq

15 [vel — collocaverit]; [pecuniae — faeneravit] Mancaleoni Fil 26 (1901) 272 Kr Suppl Solazzi Bull 35 (1927) 58 n 1

16 [idem est — *fin*] Ferrini obbl 523
[sed verius — gessisset] Bes 2, 8; 3, 145 Solazzi curator impuberis 44 n 1

17 [indemnem pupillum] ⟨damnum⟩ Bes 2, 111 ⟨periculum⟩ Solazzi Riv It sc giur 54 (1914) 33; ist tut 26 n 1

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17 [ab — habet] ⟨a consulibus⟩ Solazzi Riv l c

18 pr [pp pr] Rechnitz Julian 97. 99 **ca** Fraenkel SZ 47 (1927) 412
[quid enim — *fin*] Bes 2, 9 Levy (?) SZ 37 (1916) 15 n 3 Kr (?) Suppl Solazzi tutela 1, 21 n 1 Steinwenter Stud Bonfante 2, 427 n 24
§ 1 [non] Binder Korrealobl 349 Levy Konk 1, 221 Biondi compensazione 252 n 2 (estr 92 n 2) Bonfante corso 1, 467 n 1 **ca** HKrüger SZ 22 (1901) 221 Betti eff estint 18 Beseler Stud Bonfante 2, 74

19 rationem ⟨curatorem⟩ Bonfante Dig Mil
[concuratori] ⟨contutori⟩; [curam] ⟨tutelam⟩ Solazzi Min età 160 Kr Suppl

20 [vel curator] Solazzi Min età 54 Albertario Stud Pavia 1 (1912) 77 Kr Suppl
[cuiusve — sit] (?) Solazzi Bull 35 (1927) 56 n 3

21 [nisi forte — *fin*] Eisele SZ 13 (1892) 152 Kr
[hoc casu] Bonfante corso 1, 464 n 2
[nec multum — *fin*] Philippin Mél Cornil 2, 230 n 1

22 [pp 22] Frese Stud Bonfante 4, 437. 412 n 59
[ad — pupilli] Solazzi Bull 23 (1911) 136 n 3; Min età 207 n 2 Kr *alii*

23 [tutor] ⟨procurator⟩ (?); ⟨non⟩ deducit Frese l c 412
[vulgo — ne]; [caveat] ⟨cavere non debet⟩; [quid tamen — decipi] Beseler SZ 43 (1922) 545
curatore ⟨furiosi⟩ Solazzi Min età 206 **ca** Solazzi curator impuberis 99

24 pr [procuratorem] ⟨cognitorem⟩ Hruza Ueber d lege agere pro tutela 35 n 7 Lenel 179 n 3 Solazzi Bull 22 (1910) 31
[tunc — *fin*] Solazzi l c Kr Suppl
§ 1 [a magistratibus] ⟨—⟩ Solazzi Riv It sc giur 53 (1913) 280
[quia — *fin*] Peters SZ 32 (1911) 235 n 2 Solazzi l c; Att Ven 77, 2 (1917/18) 8 n 1

25 [si minoris — cesset] Solazzi curator impuberis 134 n 2
[et idcirco — actiones] Bes 3, 188 Kr Suppl Biondi Stud Bonfante 4, 97 n 269
[qui de — *fin*] Bes l c Kr Suppl
[provocantes] Solazzi Min età 222 n 2

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25 [nisi forte — *fin*] Schulz SZ 27 (1906) 98 n 2 Biondi l c

26 [curatore et] (?) Solazzi Min età 54; curator impuberis 95 n 3

27 [quantum — pupillarem] Albertario Athenaeum Pavia NS 6 (1928) 173 Frese Stud Bonfante 4, 411 n 54

28 pr [iudicium] ⟨ius⟩ Lenel 107 n 1
[sollemniter cavit] ⟨vadimonium promisit⟩ Betti D 42, 1, 63 p 370 n 2

§ 1 [quin — compelli] Solazzi Min età 57 n 3 Donatuti Ann Perug 33 (1921) 293
v ‘Ulpianus notat’ *post* v ‘pecuniam’ *ins* Scialoja Dig Mil
[Ulpianus — *fin*] Faber error 22, 5, 10 **ca** De Ruggiero Stud Cagliari 1, 129 sq Siber röm Priv R 260 n 6

29 [*pp* 29] Solazzi Min età 57 Kr Suppl

31 [nonnunquam] (?) Lecomte tuteurs 203 sq
[prout — nonnunquam] Solazzi Riv It sc giur 54 (1914) 42 Levy SZ 37 (1916) 31 Kr Suppl ⟨dummodo simul gesserunt⟩ Solazzi l c

32 pr [curator] ⟨tutor⟩ Solazzi Min età 54. 213; Riv It sc giur 35 (1913) 290 n 2; Att Ven 75, 2 (1916) 1604 n 3; curator impuberis 80 cf Taubenschlag Vorm 66 **ca** Lenel SZ 35 (1914) 200 sq
[pupillo] Solazzi Att Ven l c

§ 1 [cuius — proponitur] Haymann SZ 40 (1919) 189 n 1

§ 3 [scilicet — *fin*] Haymann l c Guarneri Citati misc eseg 1, 33

§ 4 [*pp* § 4] ⟨—⟩ Beseler SZ 47 (1927) 371
[interposito curatore] Solazzi Min età 9 n 5 ⟨non⟩ interposito Partsch neg gest 1, 83 n **ca** Lenel SZ 35 (1914) 132 n 1

§ 5 [qui tamen — *fin*] Riccobono Ann Pal 3/4 (1917) 491 (estr 329) Kr Nov Suppl Bonfante Ist[8] 287 n; corso 2, 2, 308 n 1 Suman saggi 78 n 2
[id est — venditionem] gl Brenkmann *apud* Peters SZ 32 (1911) 376

§ 6 [*pp* § 6] (?) Solazzi Min età 134 n 3; curator impuberis 110 n 1 Kr Suppl

33 pr [*pp* pr] Buckland Stud Bonfante 2, 103 sq
[pr] Kunkel SZ 45 (1925) 290
[et curatoribus] (?) Solazzi Min età 134 n 3 **ca** Solazzi curator impuberis 100

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33 pr [pater — suis] ⟨tutor⟩ Arangio-Ruiz resp 63 sq
[rebus suis] Eisele SZ 13 (1892) 128 Ferrini Pand 580 n 4 Segrè Stud Fadda 6, 344 n 2. 355 n 35 Solazzi curator impuberis l c Bonfante corso 1, 458 sq *alii* **ca** Segrè Stud Fadda 6, 344 n 2. 355 n 35
[ex bona fide] Segrè l c

§ 1 [curatoribus constitutis] ⟨pupillis puberibus factis⟩; [ideoque] ⟨sed⟩; [curatorem] ⟨tutorem⟩ Solazzi Min età 55 **ca** Lenel SZ 35 (1914) 153 Solazzi curator impuberis 126

§ 3 [nisi — *fin*] HKrüger capitis dem 1, 272 n 13 Kalb JL 71 Eisele SZ 13 (1892) 153 Seckel s v solacium Kr Suppl Solazzi tutela 1, 54 n 1

34 [*pp* 34] Solazzi ist tut 251

35 [sive curator]; [vel curatore] Solazzi Min età 61 Kr Suppl

36 [est]; [quae merum ius]; [inducit] Bes 1, 93; 3, 136 Kr Suppl
[aequitas — inducit] Pringsheim SZ 42 (1921) 647 ⟨petitio⟩ Biondi compensazione 359 sq (estr 199 sq)

37 pr [prout gerit]; [in — res] Levy SZ 37 (1916) 18 n 5

§ 1 [neque divisus — *fin*] Solazzi Min età 55 n 1 Kr Suppl

§ 2 [*pp* § 2] Solazzi ist tut 49 n 1

38 pr [*pp* pr] Eisele Arch z Pr 77 (1891) 458 n Kr Bonfante corso 1, 468 n 4
[pr] Bes 4, 275; Stud Bonfante 2, 74
[et omnes — sint] Levy SZ 37 (1916) 69
[et omnes — utrum]; [an ut — *fin*] Solazzi Riv It sc giur 54 (1914) 43
[utrum — inveniuntur]; [an ut — societatem] Pacchioni Savigny obbl 1, 694 sq
[utrum]; ⟨an⟩ electioni; [an — societatem] Binder Korrealobl 345. 395
[utrum]; [an]; [debebunt] ⟨debeant⟩ HKrüger SZ 22 (1901) 222
[ut — debitores] gl Bonfante Dig Mil

§ 1 [*pp* § 1] Eisele Binder Solazzi ll cc Levy l c 71 Kr Suppl

§ 2 [*pp* § 2] Eisele l c Bes 3, 188
[solus]; [in — scilicet] Solazzi Riv It sc giur 54 (1914) 43 n 5
[pro — scilicet] Levy Konk 1, 236 Kr Suppl
[sed — *fin*] Levy l c **ca** Lecomte tuteurs 175 sq

39 pr [cum — *fin*] Bes 3, 63

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39 § 2 [§ 2] Beseler SZ 46 (1926) 273
[*pp* § 2] Solazzi Riv It sc giur 54 (1914) 41 n 2 Frese Stud Bonfante 4, 405 n 31
[non idem — *fin*] Bes 2, 75 sq; 3, 92 Peters SZ 32 (1911) 249 Kr Suppl

§ 4 [*pp* § 4] Alibrandi opp 1, 357

§ 5 [curatores adulescentis] ⟨tutores impuberis⟩ Solazzi Min età 156 sq **ca** Lenel SZ 35 (1914) 182
[cautionem]; [praebuerunt] ⟨spoponderunt⟩ Bes 4, 120

§ 6 tutor ⟨a consulibus⟩ Solazzi Bull 35 (1927) 58 sq
[adversus — creationem] gl (?) Levy SZ 37 (1916) 40 n 2
[ipsam creationem] ⟨eorum decretum⟩ Solazzi l c
[quia — *fin*] Rotondi Bull 25 (1912) 53 = Scr giur 2, 300 Lenel SZ 38 (1917) 266. 282 n 2 Bes 4, 250 Levy l c **ca** Binding Normen 2^2, 2, 748 sq; SZ 39 (1918) 14 sq. 17. 27 sq Kübler SZ 39 (1918) 184

§ 7 [curatores] ⟨tutores⟩ Taubenschlag Vorm 50 Solazzi Min età 157 sq; Riv It sc giur 54 (1914) 27; curator impuberis 11 Kr Suppl
[aut culpam] Mitteis RPR 1, 329 n Arangio-Ruiz resp 65 Bonfante corso 1, 459 sq

§ 9 [*pp* § 9] Solazzi Riv It sc giur 54 (1914) 41 Frese Stud Bonfante 4, 405 n 31
[curatores]; [vel]; [citra — adminiculum]; [curatores vel] Bes 2, 42 Solazzi Min età 24 Kr Suppl

§ 11 [*pp* § 11] Solazzi Riv l c 44
[post — gesserunt] Binder Korrealobl 391 Solazzi Min età 59 n 3 **ca** Levy SZ 37 (1916) 66
[quod — *fin*] Binder Solazzi Levy ll cc Kunkel SZ 45 (1925) 317
[ex tutela]; [citra — ordinem] Bes 2, 42 cf Solazzi Min età l c Kr Suppl

§ 12 [*pp* § 12] Solazzi curator impuberis 135 n 1

§ 13 [tutorum conventione] ⟨non⟩ Solazzi Riv It sc giur 54 (1914) 59

§ 14 [citra — compensationem] Bes 2, 42 Biondi compensazione 422 (estr 262)

§ 15 [*pp* § 15] Solazzi Min età 56; Riv It sc giur 54 (1914) 44; curator impuberis 129 **ca** Lenel SZ 35 (1914) 153. 156
[neglegentia] Kunkel SZ 45 (1925) 320

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39 § 16 [ut — *fin*] Taubenschlag Vorm 32 n 21 Solazzi Bull 28 (1915) 169; curator impuberis 4 n 1 Levy SZ 37 (1916) 42 Kr Suppl **ca** Berger SZ 35 (1914) 61 n 3 *aliter* Laprat crimen 268

§ 18 [curatori] ⟨tutori⟩ Solazzi Min età 5 n 1 Kr Suppl

40 [curatorem] ⟨tutorem⟩; [curator] ⟨tutor⟩ Solazzi Min età 24; curator impuberis 140 n 3; ist tut 22 n Kr Suppl
[vel neglegentiae] Solazzi l c Kr Nov Suppl Kunkel SZ 45 (1925) 320

41 [*pp* 41] Haymann SZ 40 (1919) 189 n 1 Laprat crimen 282 sqq. 284
[qui — non fuit] Binder Korrealobl 340 Levy SZ 37 (1916) 48 Kr Suppl Kunkel l c 318 **ca** Solazzi Riv It sc giur 54 (1914) 47 n 2
[qui suspectum — ex culpa]; [tutor enim — *fin*] Levy l c 48 Kr Suppl Kunkel l c
[ex culpa]; [tutor — *fin*] Solazzi l c
[tutor enim — *fin*] (?) Rotondi Riv It sc giur 51 (1912) 141 n 4 Kr Suppl

42 [ex — procurator] ⟨tutor adversus contutorem cognitor in rem suam datus⟩; [quae — *fin*] Bes 4, 276; SZ 45 (1925) 445
[procurator] ⟨cognitor⟩ Solazzi Riv l c 52 n 1 Frese Mél Cornil 1, 338 n 3
[ex — condemnavit] ⟨ita⟩ Levy Konk 1, 227 n 4
[non enim — *fin*] Albertario Bull 33 (1923) 51

43 § 1 [*pp* § 1] Frese Stud Bonfante 4, 405 n 31
[curator] ⟨tutor⟩; [curatorem] ⟨tutorem⟩ Rudorff Vorm 2, 266 n 14 Pernice *apud* Gradenwitz Itpp 52 Zanzucchi Bull 29 (1916) 82 Kr Pringsheim SZ 42 (1921) 304 Solazzi curator impuberis 92 n 1 **ca** (?) Lenel 1342 n 3 Solazzi Bull 23 (1911) 125 n 1; Min età 134 n 3
[cum postea — promissa sit] Bes 3, 72 Pringsheim l c
[movet — sufficere promisit] Bes l c **ca** Pringsheim l c
[praeterea — succurratur] Gradenwitz Bes Zanzucchi Kr Pringsheim ll cc
[non magis — spopondisset] Zanzucchi l c
[is de quo — promisit] Pringsheim l c Kr Nov Suppl

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43 § 1 [quod si — *fin*] Faber coni 6, 18; rat *ad* D 12, 4, 9, 1 (3, 261); iur Pap 12, 7, 40 (869) Gradenwitz Itpp 24 sq. 52 sq Riccobono Bull 8 (1895) 210 n 3; Riv dir civ 3 (1911) 60; SZ 43 (1922) 320

44 § 1 [in bonis — venditis] Naber Mnem 25 (1897) 284 Solazzi concorso 2, 45

45 [45] ⟨—⟩ Bes 4, 285; SZ 43 (1922) 540; Stud Bonfante 2, 74
[liberasset] ⟨convenisset⟩; [illius nomine] Solazzi Riv It sc giur 54 (1914) 45 **ca** Levy Konk 1, 236 n 1
[quorum alterum — convenit] Levy SZ 37 (1916) 45 sq
[sed haec — non habet] Eisele Arch z Pr 77 (1891) 458 n 75
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§ 7 [pp § 7] Cuiac 1, 1033 D = Ad Dig 27, 1 adhl (cf Albertario SZ 31 (1910) 170) Rudorff Vorm 2, 21 n 11 Bonfante corso 1, 431 n 2. 489 n 1. n 5 Perozzi Mem Bol 2, 2 (1910) 54 n 4 **ca** Solazzi Riv It sc giur 64 (1920) 47 n 2

§ 8 [pp § 8] Bonfante corso 1, 488 n 9 cf Ebrard form hypoth 150 n 64

12 pr [Idem — scribit] Mommsen Dig ed mai Lenel 62 Bonfante corso 1, 488 n 9 VJR 3, 305, 4

D de excusationibus 27, 1

12 § 1 [pp § 1] Ebrard l c 145 n 47
[ἢ κουράτορες] Albertario Stud Pavia 1 (1912) 62 Solazzi Min età 189 Kr Suppl

13 pr [οὔτε οἱ κατὰ — δοθέντες] Solazzi Rend Lomb 48 (1915) 991 Perozzi Mem Bol 2, 2 (1918) 85 n 1 Solazzi Bull 35 (1927) 60
[τοῦτο — ἐπιτρόπων] Albertario Stud Pavia 1 (1912) 62 sq Kr Suppl **ca** Solazzi Min età 189 sq
[ἐν ὀλίγοις — ἐπιτρόπων] Solazzi l c

§ 1 [ἢ κουράτορες] Albertario l c 63 **ca** Solazzi Min età 190
[ἐάν τε — *fin*] Albertario l c Solazzi l c 25. 190 Kr Suppl Bonfante corso 1, 508 n 1

§ 2 [pp § 2] π Ebrard l c 5 n 19. 145 n 46. 49

§ 3 [ἢ κουρατορίαν] Solazzi Tutele e curatele 43 sq cf Min età 190 Albertario l c 64 Kr Suppl

§ 12 [τοῦτ' — τρόπον] Ebrard l c 145
[ἢ κουράτορα] Albertario l c 65 Solazzi Min età 190 Kr Suppl

14 pr [καὶ κουρατόρων] Albertario Stud Pavia 1 (1912) 65 cf Solazzi Min età 191 Kr Suppl

§ 4 [ἕνα πάντων] *corr* ⟨εἷς ἁπάντων⟩ Mommsen Dig ed mai Huschke PK 4

15 § 3 [ἢ κουράτωρ]; [ἢ κουρατευόμενοι] Albertario Stud Pavia 1 (1912) 66 Kr Suppl De Francisci saggi romanistici 31 Solazzi Min età 191

§ 4 [ἢ κουρατορεύειν] Albertario l c Solazzi l c 191 Kr Suppl

§ 5 [οὓς — λέγομεν] gl Peters SZ 33 (1912) 511 Kr Suppl

§ 9 [τουτ' ἔστιν ὁ στρατηγὸς] gl Peters l c Kr Suppl

§ 13 [ἢ κουρατορίας] Albertario l c 67 Solazzi Min età 191 Kr Suppl

§ 14 [ἢ τῇ μητρὶ] Solazzi Rend Lomb 51 (1918) 872

§ 15 [ἢ κουρατορίας] Albertario l c 67 Solazzi Min età 191 sq Kr Suppl

§ 16 [§ 16] Lenel 67 Ebrard form hypoth 147 sq Endrich Stud Cagliari 9 (1917) 156

16 [pp 16] Solazzi Min età 25 sq Kr Suppl Bonfante corso 1, 508 n 1
[cum liceat — impletum] Albertario Stud Pavia 1 (1912) 74
[etiam — appellationem] Bes 2, 42
[excusationem — *fin*] Albertario l c

D de excusationibus 27, 1

17 § 2 [pp § 2] Bonfante Dig Mil Solazzi Min età 275 n 4
[cetera] Raevardus 1, 60 = reg iur 2

§ 5 'notum est quod . . .' *genuin* Kalb RJ 29

18 forte ⟨—⟩ (?) Ratti Bull 35 (1927) 132 n
[melius — *fin*] Kr Pringsheim Festschr Lenel 219 Ratti (?) l c 131 n 2
[cuiuscumque — sint] Mommsen Dig ed mai Rudorff Vorm 2, 144 sqq VJR 5, 424, 46 Ratti l c 131 n 2

19 [pp 19] Solazzi Tutele e curatele 44

20 [pp 20] Solazzi Tutele e curatele 21 n 3
[recepta — tutela] Laprat crimen 41 sq ⟨et⟩ Solazzi Min età 266 n 1. 272 sq. 284 Kr Suppl Rechnitz Julian 60

21 pr [nisi — *fin*] Perozzi Mem Bol 2, 2 (1918) 80 Solazzi Min età 274 Rotondi Scr giur 3, 471 Bonfante corso 1, 435 n 5. 497 n 1

§ 2 [pp Licet — gerat] Solazzi Tutele e curatele 37. 40. 43. 44; Rend Lomb 52 (1919) 236 n 1
[nisi — *fin*] (?) Solazzi l c; Min età 276 n 5

§ 3 [centesimum] ⟨ducentesimum⟩ (?) Solazzi Tutele e curatele 44

§ 4 [§ 4] Solazzi Rend Lomb 52 (1919) 236

28 § 1 [cum — *fin*] (?) Bes 3, 63

§ 2 [in locum ipsius] ⟨eius periculo⟩ *aut* ⟨periculo ipsius tutoris⟩ Bonfante corso 1, 488 n 1

30 § 1 [curator] ⟨tutor⟩; [curationes] ⟨tutelae⟩ Albertario Stud Pavia 1 (1912) 73 **ca** Solazzi Min età 173. 179
[quod — *fin*] Beseler SZ 47 (1927) 378 n 1

§ 2 [curationem] ⟨tutelam⟩ Albertario l c **ca** Solazzi l c 179

§ 3 [aut curatores] Albertario l c 73 Solazzi Rend Lomb 54 (1921) 189 n 2; Min età 31. 173. 179 Bonfante corso 1, 508 n 1 Kr Suppl

31 pr [qui — excusari] gl Rudorff Vorm 2, 65 n 32 Lenel 1340 Bes 4, 236 Solazzi Rend Lomb 54 (1921) 185 n 1
[ubi — excusatio] Solazzi l c
[quasi — subroganda] Seckel (?) s v subrogare 2 Bes l c Solazzi l c
[et] Krüger Mommsen Dig ed mai Solazzi l c
[nec me — *fin*] Bes l c Solazzi l c

§ 2 [pp § 2] Solazzi Rend Lomb 54 (1921) 184 sq

D de excusationibus 27, 1

3 § 2 [quartam] (?) *corr* ⟨quarta⟩ Mommsen Dig ed mai **ca** Rudorff Vorm 2, 66 n 34
[id est quartae] gl Brenkmann SZ 32 (1911) 376

§ 4 [§ 4] π? Solazzi consortium 9 n 1

32 [$\overline{pp}$ 32] Bonfante corso 1, 508 n 1
[vel quivis — pupillum] Albertario Stud Pavia 1 (1912) 71 Solazzi Rend Lomb 53 (1920) 374 sq Kr Suppl Perozzi Ist² 1, 473 n 5
patre [vel] emancipato Albertario l c Solazzi Min età 27 sq. 179 Kr Suppl
[vel puberi curator] Albertario l c Solazzi l c; curator impuberis 147 Kr Suppl
[vel curator] Albertario l c Solazzi l c Kr Suppl
[similis est — nostri] Albertario l c Perozzi l c Kr Suppl **ca** Solazzi l c
[quales — nostri] (?) gl Lenel 1343 n 3 Baviera Glück ital 26, 243 [quales — nostri] Solazzi l c
[relinquit] gl Lenel 1343
[ab eo — dedit] *corr* ⟨id quod qui relinquit ab eo petiit, ab eo quod idem dedit⟩ (?) Mommsen Dig ed mai ⟨ab eo petit ab eo quod idem dedit⟩ Lenel l c
[non semper — *fin*] Pernice Labeo 3¹, 71 n 2 VJR 3, 174, 19. 307, 25 Kr Suppl Schulz Gedächtnisschr Seckel 126 **ca** Kalb Jber klass Alt 98 (1898) 270 sq; Jagd 23 cf Solazzi l c

33 [33] Faber iur Pap 24, 1, 10 (1151) Lenel (?) 1417 Albertario contr crit Dig 52 Schulz Gedächtnisschr Seckel 126 **ca** Rudorff Vorm 2, 183 n 23
[$\overline{pp}$ 33] Pernice Labeo 3¹, 71 n Gradenwitz Itpp 205 VJR (?) 3, 208, 37. 209, 41; 4, 142, 34. 148, 9; 5, 291, 52. 337, 28. 366, 36 Solazzi Min età 266 Tumedei Riv It sc giur 63 (1919) 99 n

35 [si ab — potuisset] (?) Solazzi Tutele e curatele 64
[sed hoc — *fin*] Faber iur Pap 24, 1, 10 (1152 sq) Bes 4, 236 Solazzi Min età 266 sq Kr Suppl
[sed hoc — debebit] ⟨—⟩ Berger SZ 35 (1914) 89 Levy SZ 37 (1916) 63
[sed hoc — excusavit] Solazzi Min età 266 sq Schulz Gedächtnisschr Seckel 125 n 3

D de excusationibus 27, 1

35 [multo magis — *fin*] (?) Pernice Labeo 3¹, 65 n 1 Laprat crimen 321 n 4 $\overline{pp}$ Solazzi Min età 266 sq ʻindignum — *fin*ʼ *genuin* Berger l c Levy l c **ca** Schulz l c

36 pr [Amicissimos — et ideo] ⟨—, respondi⟩ Beseler SZ 45 (1925) 471

§ 1 [$\overline{pp}$ § 1] Solazzi curator impuberis 66 sq (**ca** Min età 180) Kr Nov Suppl
[curatores] ⟨tutores⟩ Albertario Stud Pavia 1 (1912) 70 Bonfante corso 1, 489 n 6 Solazzi Min età 179 sq. 276 n 2
[curator] ⟨tutor⟩ Solazzi l c
[quidem]; [sed cum — *fin*] Albertario l c Kipp *apud* Kalb Jagd 39 Kr Bonfante l c
denegari [non] VJR 4, 209, 19

37 pr [testamento] *corr* (?); testamento ⟨matris⟩ (?) Solazzi Tutele e curatele 32 n 2
[cum — esset] gl Mommsen (?) Dig ed mai Lenel 246 VJR 1, 1113, 13; 4, 98, 4

§ 1 [si — sententiae] Solazzi Stud Pavia 6, 6 (1921) (fantasie) 37 n 1

38 [quattuor menses] Seckel-Kübler iur anteiust 2, 1, 63 n 1

40 pr [aut furiosus — *fin*] Seckel-Kübler iur anteiust 2, 1, 63 n 3

41 pr [licet — codicillos] Bes 2, 42
[itemque cura] Albertario Stud Pavia 1 (1912) 70 Solazzi Min età 180 Kr Suppl

44 § 1 [vel curator] Albertario l c 69 Solazzi Min età 180 sq Kr Suppl
[ob — diversitatem] Beseler SZ 45 (1925) 477

§ 2 [vel — quinque]; [curatorve] Albertario l c 69 sq Solazzi l c 180 sq Kr Suppl

45 pr [nunc — etiam] ⟨delata excusari debeat etiam nunc⟩ Bonfante Dig Mil

§ 1 [quia] ⟨quando⟩ (?); [desierit] *corr* ⟨desierat⟩ Lenel 48

§ 2 [sive ventri] Albertario Stud Pavia 1 (1912) 99 cf Solazzi Min età 288 n 1 Kr Suppl

§ 3 [vel a praefecto urbis] Rein Privatrecht und Civilprocess d Römer (1858) 518 Erman SZ 15 (1894) 248 n 4 Solazzi ist tut 59. 81 et n 1. 2. 3; Min età 253 n 3

46 pr [pr] π Ebrard form hypoth 143

§ 1 [§ 1] π Ebrard l c

D de excusationibus 27, 1

46 § 2 [*pp* Sed — datus est] Solazzi tutela 1, 45 n 3
[ad tutelam] (?) Solazzi Tutele e curatele 33 n 3
[ad tutelam] ⟨a praetore vel praeside⟩ (?) ⟨ex lege Atilia vel Iulia et Titia⟩ (?) ⟨— —⟩ (?) Solazzi ist tut 78 n 4 (79)

D ubi pupillus educari vel morari debeat et de alimentis ei praestandis 27, 2

1 pr [non — *fin*] Solazzi tutela 2, 6 sq
§ 1 [id enim — *fin*] Bes 3, 102
§ 3 [vel heres] Schulz Gedächtnisschrift Seckel 127
[quod — *fin*] Pernice Labeo 3^1, 71 n 2 sq Kr Suppl Guarneri Citati Ann Pal 11 (1923) 267 n 1 Bonfante corso 6, 336 n 10 **ca** Kalb Jber klass Alt 98 (1898) 271 sq
[quod — actio] Schulz l c

2 § 3 [praestando] Bes 3, 119
[nisi — *fin*] Albertario Fil 36 (1911) 817 Beseler l c Kr Suppl

3 pr [vel curatores] (?); [vel adulescentibus] (?) Gradenwitz Grünh Z 18 (1891) 342 Solazzi Min età 67 Kr Suppl
§ 1 [et — *fin*] Seckel s v moderatus 1 Kr VJR 5, 338, 12 Albertario Riv dir comm 23, 1 (1925) 188 Solazzi tutela 2, 30 n 2
§ 2 [aetatem — *fin*] Solazzi Min età 68 n 1 Kr Suppl
§ 3 [§ 3] Gradenwitz Itpp 77 Lenel 2260 Kr Seckel s v exhibere 9 Mancaleoni Fil 26 (1901) 270 n 1 Albertario Rend Lomb 46 (1913) 857
§ 5 [vel adulescentium]; [vel — sunt] Gradenwitz Grünh Z 18 (1891) 343 Kr Solazzi Min età 67 sq cf Zachariae von Lingenthal SZ 10 (1889) 286
[et aetatis] (?) Solazzi l c 68 n 1 Kr Suppl

4 [magistratum] ⟨consulem⟩ Solazzi tutela 2, 7; ist tut 83
[etsi — decretum] ⟨si ex magistratuum decreto⟩ Bes 2, 42 Albertario alimenti 30
[magistratuum] ⟨consulum⟩ Solazzi l c
[cum — possent] Bes l c Albertario l c
[contingere — possent] ⟨non possent contingere⟩ Rechnitz Julian 50
[aut — pupilli] Bes l c Albertario l c
[praestare] ⟨praestari⟩ Bes l c

D ubi pupillus educari vel morari debeat etc 27, 2

6 [*pp* 6] Kunkel SZ 45 (1925) 318 Solazzi ist tut 216 sq Laprat crimen 123 sqq. 243 n 1
[Si absens — postulet] Lecomte tuteurs 57 sq cf Bes 2, 76
[si quidem — *fin*] ⟨praetor causa cognita etiam absente tutore decernet⟩ Taubenschlag Vorm 53 sqq Solazzi Stud Pavia 6, 6 (1921) (fantasie) 59 n 1
[si quidem — postulet] Bes 2, 76 Kr Suppl
[si quidem — tutoris] (?) Solazzi Min età 265
[si quidem neglegentia]; [evocatis — tutoris] Solazzi l c 264 sq Berger SZ 35 (1914) 57 *alii*
[curatorem] ⟨tutorem adiunctum⟩ Solazzi Rend Lomb 52 (1919) 227
[si vero — *fin*] Solazzi Min età 264 sq Berger l c
[recte] ⟨curator⟩ Faber iur Pap 12, 7, 67 (894) Lecomte l c Kr Suppl
constituetur ⟨curator⟩ Mommsen Dig ed mai Bes l c

D de tutelae et rationibus distrahendis et utili curationis causa actione 27, 3

rubr [et utili — causa] Alibrandi opp 1, 583 sq Lenel EP^3 319 sq. 319 n 12 (§ 124) Partsch neg gest 67 n 5 Ebrard form hypoth 146 n 51

1 pr [praestando — *fin*] Lusignani respons 2, 102 Pernice Labeo 2, 2, 1, 204 sq; SZ 19 (1898) 132 n 2 Kr Seckel s v diligens 148 De Medio Bull 17 (1905) 29 n 1 Mitteis RPR 322 n 29. 328 n 42 Kübler SZ 39 (1918) 175 Haymann SZ 40 (1919) 188 n 4 Rotondi Scr giur 2, 105 n 1 Perozzi Ist^2 1, 505 n 1 Arangio-Ruiz resp 65 *plerique* **ca** Buckland Stud Bonfante 2, 103
[et quantam — *fin*] Ferrini Pand 947 n 3 Bonfante Ist^8 221 n 2; corso 1, 459 sq Jörs röm Priv R 213
§ 1 [*pp* § 1] Beseler Stud Bonfante 2, 71 Bonfante (?) corso 6, 302 n 4
§ 2 [*pp* § 2] Gradenwitz Grünh Z 18 (1891) 343 Beseler l c *alii*
[quidem] Bes 3, 82
[et plerumque — *fin*] Bes 3, 82 Albertario alimenti 26
[et plerumque — ita est] Kr Suppl

D de tutelae et rationibus distrahendis 27, 3

1 § 2 [decreto — interveniente] Faber iur Pap 12, 3, 9 (764) Kuttner Festschr Martitz 266 n 7 Marchi Bull 16 (1904) 267
[quin — *fin*] Marchi l c 266 Albertario a° de universitate 31 n 3 Kr Suppl

§ 3 [$\overline{pp}$ § 3] Solazzi Tutele e curatele 28 n 1; ist tut 250 sq
[Officio — nam]; [remedio — debere] Bes 2, 123; 3, 127

§ 4 [sed — *fin*] Kr (?) Dig Albertario alimenti 27
[imputare — oportere] Mommsen Dig ed mai Lenel 1026 n 1

§ 5 [nec — *fin*] Bes 3, 133 Kr Suppl Albertario alimenti 27

§ 7 [ex inquisitione] ⟨ex lege Atilia⟩ Solazzi tutela 1, 51
[quia — *fin*] Donatuti Ann Perug 33 (1921) 411 Solazzi l c 50 Kr Nov Suppl

§ 8 [si tamen — *fin*] Donatuti Ann Perug 33 (1921) 424 Kr Nov Suppl

§ 9 [et — *fin*] Bes 2, 119

§ 10 [§ 10] Eisele Arch z Pr 77 (1894) 457 n 75 Kr Binder Korrealobl 284 sq. 350 Betti D 42, 1, 63 p 457 *plerique*
[pro — *fin*] Solazzi Tutele e curatele 65 Guarneri Citati obbl indivis 1, 10 n 2 Bonfante corso 1, 468 n 4

§ 11 [§ 11] Eisele Kr Binder Solazzi ll cc Guarneri Citati l c 137 n 1 Bonfante l c; Ist[8] 377 n 1 Betti l c *plerique*

§ 12 [§ 12] Eisele Kr Binder Guarneri Citati Bonfante ll cc Ferrini obbl 634 Betti l c VJR 5, 615, 21 *plerique*
[Sed — sed]; [solvendo — *fin*] Solazzi l c

§ 13 [$\overline{pp}$ § 13] *plerique*
[Et si forte quis] ⟨si tutor⟩ Bes 4, 276
[condemnatus praestiterit] ⟨conventus erit⟩ Eisele Arch z Pr 77 (1894) 459 Binder Korrealobl 284 n 17. 350 Kr Bes 4, 276 Betti eff estint 18 Biondi compensazione 252 n 2 (estr 92 n 2) **ca** HKrüger SZ 22 (1901) 224
[praestiterit] Solazzi Tutele e curatele 65 n 2. 66 sq Kr Nov Suppl Betti D 42, 1, 63 p 457 Pacchioni corso dir rom[2] 3, 29 n 42 Bonfante Ist[8] 378 n De Ruggiero lez obbl (1920/21) 111
[praestiterit] ⟨sit⟩ Solazzi Tutele e curatele 65 n 2. 66 sq

D de tutelae et rationibus distrahendis 27, 3

1 § 13 [condemnatus — gestu] ⟨conventus sit⟩ Partsch neg gest 43 n 2
[praestiterit — gestu] ⟨est⟩ Levy Konk 1, 230 sqq Solazzi Min età 98 sq
[vel — gestu] Binder Korrealobl 285 sq Solazzi Tutele e curatele 65 n 2. 66 sq Bes (?) l c **ca** Levy spons 198 n 2
[nec — actiones] ⟨condemnatus est⟩ Bes 4, 276
actionem ⟨negotiorum gestorum⟩ Partsch l c

§ 14 [§ 14] (?) Eisele Arch z Pr 77 (1894) 457 n 75 Binder Korrealobl 284 n 16 Bes 4, 276 Albertario Riv dir comm 21, 1 (1923) 500 n 3; delictum 37 Betti D 42, 1, 63 p 457 Segrè Stud Bonfante 3, 585 n 234. 588 n 248
[$\overline{pp}$ § 14] Albertario form Fab 37 Solazzi Min età 100 sq *alii* **ca** Partsch (?) neg gest 44 n
[dolo] ⟨gestu⟩ Solazzi Tutele e curatele 66 Levy Konk 1, 235
[praestiterit] Kr Suppl ⟨sit⟩ Solazzi l c Levy l c
[competit] Kr Suppl ⟨actio negotiorum danda est⟩ Solazzi l c ⟨actio danda est⟩ Siber Stud Bonfante 4, 119
[quia — *fin*] Levy l c [quia — subit] Albertario az pen 5 [delicti] ⟨doli⟩ Siber l c [quae — *fin*] (?) Solazzi l c
[nec — *fin*] Albertario Stud Perozzi 225 n Solazzi consortium 3 n 1 Siber l c
§ 14 (?) *genuin* Lecomte tuteurs 170 n 31

§ 15 [$\overline{pp}$ § 15] Levy SZ 37 (1916) 55 sq Betti D 42, 1, 63 p 457
[Usque — veniatur] Levy l c
non ⟨administrantes non⟩ Mommsen Dig ed mai
contutores ⟨ad quos ea pars administrationis non pertinet⟩ (?) Solazzi Tutele e curatele 67
[fideiussores] ⟨sponsores⟩ Lenel 1029 n 2
[sic erit accipiendum — *fin*] Lecomte tuteurs 249 sq
[non contutor — *fin*] Levy l c [non] (?) Laprat crimen 272

§ 17 [similibusque personis] Longo Bull 14 (1902) 14. 159 Kr

§ 18 [§ 18] Solazzi Tutele e curatele 65 n 2 Biondi compensazione 252 n 2 (estr 92 n 2)
[§ 18] gl Levy Konk 1, 232
[$\overline{pp}$ § 18] Ferrini obbl 634

D de tutelae et rationibus distrahendis 27, 3

1 § 19 [non — hi]; [fuerunt — tutores] Solazzi Rend Lomb 50 (1917) 178. 182. 184; ist tut 10 n 3 Lenel EP[3] 320 n 6 (§ 125) Bonfante corso 1, 453 n 2 Siber (?) röm PrivR 319
[non — hi]; [tutores — omnes] Perozzi Ist[2] 1, 497 n 1

§ 21 [$\overline{pp}$ § 21] Bonfante Glück ital 15, 187 Solazzi Rend Lomb 53 (1920) 121 sq ist tut 254 sqq Bonfante corso 1, 453 n 7; Ist[8] 134 n 1 Beseler SZ 45 (1925) 471
[ex — obligatione]; [ideo]; [non]; [tutelae — *fin*] Pampaloni Stud Sen 17 (1900) 267 sq
[sive tutelae — potest] Solazzi ist tut 154 n 2
[quod — istam] Levy Konk 1, 147 sqq Biondi iud b f 39 n 1 Bonfante Ist[8] 134 n 1 Kr Nov Suppl

§ 22 [$\overline{pp}$ § 22] Solazzi Rend Lomb 53 (1920) 125 n 3 Kann Klagenmehrheit 62 Bonfante Glück ital 15, 187; corso 1, 453 n 5 Perozzi Ist[2] 1, 486 n 5. 505 n 4
[ut — *fin*] Pampaloni Stud Sen 17 (1900) 267 sq
[nam — *fin*] (?) *cetera genuin* Levy Konk 1, 113 n 4. 475 n 7

§ 23 [similibusque personis]; [ceterosque successores] Longo Bull 14 (1901) 159 Kr **ca** Lotmar SZ 31 (1910) 117 n 5

§ 24 [$\overline{pp}$ § 24] Solazzi Rend Lomb 50 (1917) 184 Bonfante corso 1, 454 n 5

2 pr [$\overline{pp}$ pr] Solazzi Rend Lomb 50 (1917) 179; 53 (1920) 123 n 1. 125 n 2

§ 1 [$\overline{pp}$ § 1] Perozzi Ist[2] 1, 486 n 5 Segrè Stud Bonfante 3, 592
[furandi animo] Albertario animus furandi 15 **ca** Guarneri Citati Bull 33 (1923) 205 n 2
[utraque — *fin*] Huvelin furtum 1, 669 n 4
[et — tollet] Pampaloni Stud Sen 17 (1900) 268 sq
[per — *fin*] Pampaloni l c Solazzi Rend Lomb 53 (1920) 125 n 3
[si — ablatum]; [quia — *fin*] Siber Pass Leg 191 sq Levy Konk 2, 1, 175

§ 2 [§ 2] Seckel s v poena 1 b Solazzi Rend Lomb 53 (1920) 122 n 1 Albertario Bull 26 (1913) 101 VJR 3, 168, 1; 5, 553, 34 Bonfante corso 1, 453 n 8 Perozzi Ist[2] 1, 498 n 3 Betti eff estint 33 *alii*

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2 § 2 [licet]; [sit — poena] ⟨poenalis⟩ Pampaloni Stud Sen 17 (1900) 268 sq
[licet — simplo]; [non — *fin*] Betti obbl rom 200
[in simplo]; [non — *fin*] Levy Konk 1, 144 Kr Suppl Naber Mnem 53 (1925) 39 n 6

4 § 1 [emancipatum]; [etiam] Solazzi Tutele e curatele 86 Bonfante corso 1, 464 n 4

§ 3 [quia — *fin*] Partsch neg gest 73 n 3

5 [depositam]; [vel commodatam] ⟨fiduciae datam⟩ Lenel 2904 Segrè Stud Fadda 6, 387 Kr Suppl *alii* ⟨fiduciae causa datam⟩ De Ruggiero Bull 19 (1907) 31 Bonfante Ist[8] 456 n 2
[commodati — depositi] ⟨fiduciae⟩ Lenel De Ruggiero Bonfante *alii* ll cc
[quod — *fin*] PKrüger Festschr Bekker 18

7 § 1 [intelligitur] ⟨est⟩ Solazzi Rend Lomb 49 (1916) 641 n 2
[fideiussores] ⟨sponsores⟩ Lenel 1013 n 1 Solazzi Rend Lomb 49 (1916) 640. 641 n 2; Riv It sc giur 61 (1917) 15 n; concorso 2, 38; ist tut 245 n 2 Scaduto Ann Pal 8 (1921) 33 Beseler SZ 45 (1925) 199
[et — tutelae] Solazzi Rend Lomb 49 (1916) 640. 641 n 2; concorso 2, 38; ist tut 245
[et — *fin*] Scaduto l c [et — constitutus] Beseler l c; cf Frese Stud Bonfante 4, 442 n 199

9 inscr [vicensimo] *corr* ⟨trigesimo⟩ Lenel 1014 n 2

pr [ac — aberit] Taubenschlag Vorm 57 n 33

§ 1 [$\overline{pp}$ § 1] Rudorff Vorm 2, 21 n 11
[perfectae — constituti] Wissenbach embl 73 Lenel 1014 n 1 Bremer iurispr antehadr 2, 2, 348 Seckel s v perficere 1 b Eisele SZ 13 (1892) 129 Perozzi Mem Bol 2, 2 (1918) 53 Solazzi Min età 281; Tutele e curatele 91 sq; tutela 1, 47; Riv It sc giur 64 (1920) 22. 48 VJR 1, 952, 15 Bonfante corso 1, 431 n 2
[quamvis — *fin*] Solazzi tutela 1, 47

§ 2 [ex inquisitione] ⟨ex lege Atilia⟩ Solazzi tutela 1, 32

§ 3 ⟨certum⟩ tempus Solazzi tutela 1, 32

§ 4 [absurdum — perseveraret] Bes 3, 28. 119 Lecomte (?) tuteurs 152 n 4
[quem igitur — *fin*] Peters SZ 32 (1911) 239 Bes (?) l c Kr Suppl

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9 § 4 [sed vel — *fin*] (?) Bes l c [vel — vel] Albertario a° de universitate 35
[specialem curatorem] ⟨tutorem⟩ Pernice Sakr 2, 1184 n 4; SZ 7 (1886) 109 n 3; Labeo 1, 229 sq ⟨tutorem praetorium⟩ (?) Lenel 1014 n 2
[curatorem] ⟨tutorem⟩ Bonfante corso 1, 456 n 4
[quin immo — *fin*] Bes l c Albertario l c 31 n 3

§ 5 [curator] ⟨tutor⟩ Solazzi Rend Lomb 52 (1919) 228

§ 6 [curator] ⟨tutor⟩ Bonfante corso 1, 488 n 5

§ 7 [pp § 7] ⟨?⟩ Solazzi Rend Lomb 50 (1917) 183

12 [pp 12] Solazzi Tutele e curatele 86 sq Bonfante corso 1, 464 n 4
[nec] ⟨nisi⟩ Lenel 37 Kr Suppl Lecomte tuteurs 35 ⟨necdum⟩ Bonfante Dig Mil
[hoc] ⟨nec⟩ Lenel l c Lecomte l c ⟨non⟩ potest Bonfante l c

13 [pp 13] Beseler Stud Bonfante 2, 79
[et est — *fin*] Solazzi Min età 68 sq
[et est — exigere] Peters SZ 32 (1911) 276

15 [pp 15] Bonfante lez obbl 141 sq
[quamvis — communem] Levy Konk 2, 1, 253 n 1
[quod si — *fin*] Albertario Bull 26 (1913) 108 Kr Suppl Perozzi Ist^2 2, 145 n 1 [pp] Binder Korrealobl 349 Bonfante Scr giur 3, 222 sq. 231 sq; corso 1, 467 n 2
[pp quod si — satisfacere] Eisele Arch z Pr 77 (1894) 456 Kr Bes 2, 85 Solazzi Rend Lomb 53 (1920) 122 n 1; Min età 101 n 3 Guarneri Citati obbl indivis 1, 37 n 7 **ca** Lecomte tuteurs 162 sqq
[quod si — non est] Ferrini obbl 433
⟨litis aestimationem⟩ praestitisset Betti eff estint 33
[praestitisset — *fin*] De Ruggiero Bull 19 (1907) 54; lez obbl (1920/21) 160; Riv dir comm 14, 1 (1916) 699 sq Bonfante Ist^8 378 n [praestitisset] Pacchioni corso^2 3, 29. 42 ⟨sit⟩ Pacchioni Savigny obbl 1, 695. 698 ⟨fuerit (erit, sit)⟩ Levy Konk 2, 1, 253
[quod praestitit] Levy l c Betti l c
[licet — *fin*] Levy l c
[ut — *fin*] Eisele l c Betti l c **ca** *genuin* Lecomte l c

D de tutelae et rationibus distrahendis 27, 3

16 inscr [quarto] *corr* ⟨nono⟩ Lenel 1734; EP^3 540 n 8 (§ 288)

pr [pr] (?) Peters SZ 32 (1911) 278 n 2
[pp pr] Solazzi Min età 144; ist tut 131 n 3
[Si — possit] Lenel l c VJR 1, 1091, 23; 3, 231, 53 Pringsheim Festschr Lenel 214

§ 1 § 1 post D 46, 6, 4, 6 transponit Peters l c
[sive adulescentis] Solazzi Min età 144 Lenel SZ 35 (1914) 178 Kr Suppl

17 [vel curatoribus] Solazzi Min età 69; ist tut 243 n 1 Kr Suppl

18 negotiis ⟨patris⟩ Scialoja Dig Mil **ca** Solazzi Riv It sc giur 66 (1921) 109 ⟨hereditariis⟩ Solazzi concorso 1, 564 n 2. 565 n 3
impuberis ⟨nomine⟩ *vel sim* Solazzi l c
[dolo vel] (?) Solazzi ll cc *dubitat* Guarneri Citati misc eseg 1, 15 n 4

19 [curatore] ⟨tutore⟩; ⟨priorem⟩ tutorem Solazzi Min età 61 Kr Suppl

20 pr [pp pr] Ferrini obbl 634
[curatoris] ⟨tutoris⟩ (?); [curatorem] ⟨tutorem] (?) Solazzi Min età 197 n 8 Kr Suppl
[sed — *fin*] Faber coni 11, 12; iur Pap 12, 8, 17 (950) Alibrandi Bull 2 (1889) 156 sq Schneider Krit Viert 36 (1894) 34 Seckel s v relevare 3 a Levy SZ 37 (1916) 70 n 1 Kr Guarneri Citati obbl indivis 1, 137 n 1 Bonfante corso 1, 509 n 4 Solazzi Min età 197 n 8

§ 1 [restitutionis tempus] ⟨annum⟩ (?) Solazzi l c 222
[itaque — *fin*] Bes 3, 188 Levy Konk 1, 225 n 4

21 [pp 21] Biondi compensazione 252 n 2 (estr 92 n 2)
[quem — condemnavit]; [quamvis — tamen]; data ⟨pecunia⟩ Bes 4, 275
[data] *corr* ⟨mandata⟩ Naber Stud Bonfante 2, 298
[pp quia — *fin*] Solazzi Min età 99 n 3 **ca** Levy Konk 1, 227 n 3
[pro — tutoris] Levy l c 226 sq Bes l c Kr Suppl
[condemnati] ⟨non damnati⟩ Schulting Notae 4, 482 Rudorff Vorm 3, 35 n 16 ⟨non condemnati⟩ Cuiac 4, 1438 B = Pap def 1 adhl ⟨non condemnati⟩ *aut* ⟨condemnandi⟩ Mühlenbruch Zession^3 446 n 473

D de tutelae et rationibus distrahendis 27, 3

21 [condemnati tutoris] ⟨contutoris⟩ (?) Mommsen Dig ed mai **ca** Levy l c

22 [defensor] ⟨actor⟩ (?) Frese Stud Bonfante 4, 443 n 203

23 [curatorem eiusdem] ⟨sponsorem⟩ Solazzi Min età 69 sq
eiusdem ⟨pupilli⟩ Betti D 42, 1, 63 p 404
[iudicatae] (?) ⟨in iudicium deductae⟩ (?) Eisele Abh 57

24 [neque — neque] (?); [quia — *fin*] (?) Beseler SZ 45 (1925) 471
[quia] ⟨qui⟩ Mommsen Dig ed mai Kr Seckel-Kübler iur anteiust 2, 1, 64 n 3 Partsch neg gest 66 n 1
non ⟨hereditatis⟩ videtur Kr Seckel-Kübler Partsch ll cc

25 [vel ex — debebitur] (?) Solazzi Min età 142 n 1 Kr Suppl

D de contraria tutelae et utili actione 27, 4

rubr [$\overline{pp}$ rubr] Partsch neg gest 67 sq Biondi iud b f 87 **ca** Lenel EP^3 318 sq. 320 n 2 (§ 124)
[et utili] Alibrandi opp 1, 583 sq Lenel EP^3 319 sq. 320 n 1 (§ 124)
[contraria] ⟨contrario⟩; [actione] ⟨iudicio⟩ Gradenwitz Itpp 116 sq

1 pr [pr] Bes 3, 37
[pr] π Lenel EP^3 319 (§ 124) Pringsheim Festschr Lenel 267
[$\overline{pp}$ Contrariam — scilicet] Partsch neg gest 49 Bonfante corso 1, 471 n 2
[$\overline{pp}$ Contrariam — administratione] Gradenwitz Itpp 115 sq VJR 5, 263, 47 Biondi iud b f 87 Lenel (?) 1034 Kr Suppl **ca** Ferrini Bull 7 (1894) 88
[quamquam — scilicet] Albertario Fil 37 (1912) 522 Kr Suppl
[civiliter] Siber nat obl 43 sq Pacchioni Riv dir civ 18 (1926) 53
[ex administratione scilicet] Perozzi obbl 89

§ 1 [§ 1] Gradenwitz Itpp 117 Lenel 1034 n 2 Kr Alibrandi opp 1, 587 Gradenwitz Grünh Z 18 (1891) 343 Ferrini Bull 7 (1894) 116 VJR 2, 577, 32; 3, 167, 40; 4, 89, 39 Solazzi Min età 71 Biondi iud b f 87 cf Partsch neg gest 49
[Haec actio] ⟨iudicium contrarium⟩ Peters SZ 32 (1911) 243 n 3

D de contraria tutelae et utili actione 27, 4

1 § 2 [$\overline{pp}$ § 2] Alibrandi opp 1, 587 Gradenwitz Grünh Z 18 (1891) 343 sq Ferrini Bull 7 (1894) 116 Bonfante corso 1, 509 n 3 Perozzi Ist^2 1, 528 n 8 cf Partsch neg gest 49. 67 n 6 Solazzi Min età 71. 288 n 1
[vel adulescentis] Solazzi furor vel dementia 15
[contrarium dandum] ⟨iudicium negotiorum gestorum dandum⟩ Biondi iud b f 87. 90
[contrarium iudicium] ⟨contrarium negotiorum gestorum iudicium⟩ (?) Lenel EP^2 309 n 12 **ca** Peters SZ 32 (1911) 243 n 3 Lenel (?) EP^3 320 n 2 (§ 124) ⟨hoc iudicium⟩ Biondi l c

§ 3 [$\overline{pp}$ § 3] Solazzi Min età 70 sq Lenel SZ 35 (1914) 160 Kr Suppl Biondi iud b f 87 Pringsheim SZ 42 (1921) 659 n 2 cf Partsch neg gest 49
[Finito — competit] Partsch neg gest 53 Perozzi Ist^2 1, 505 n 2 Solazzi Arch giur 91 (1924) 153 n 1; Min età 70. 289

§ 4 [$\overline{pp}$ § 4] Biondi iud b f 87. 152 n 5
[sic — sumptus] Partsch neg gest 61 n
an [contrario] ⟨rescissorio⟩ Partsch l c
[sed — *fin*] Bes 2, 141; 4, 200 Mitteis (?) SZ 33 (1912) 207 Kr Suppl Biondi compensazione 176 n 1 (estr 16 n 1)
[et adquievit] Eisele SZ 18 (1897) 23 Kr Solazzi Tutele e curatele 80 n 1 Partsch l c
[iudex] ⟨praetor⟩ Eisele l c Partsch l c
[contrario] ⟨rescissorio⟩ Partsch l c

§ 5 [in contrarium iudicium] ⟨in actionem tutelae⟩ Biondi iud b f 88. 131 n 3. 152 n 5

§ 6 [§ 6] Bes 2, 114; 3, 164 Kr (?) Suppl Biondi iud b f 88. 131 n 3. 152 n 5

§ 7 [tutelae — ei] ⟨deducendam esse⟩ Biondi iud b f 88 **ca** Lenel EP^3 319 (§ 124)

§ 8 [$\overline{pp}$ § 8] Biondi iud b f 87. 131 n 3
[Hanc actionem] ⟨hoc iudicium⟩ Betti Bull 28 (1915) 18
[etenim — *fin*] (?) Segrè Stud Moriani 2, 293 n 2. 296 n 2
[nec — *fin*] (?) Segrè l c Partsch neg gest 50 Betti l c

3 pr [$\overline{pp}$ pr] Biondi iud b f 152 n 5 Kr Nov Suppl

§ 1 [$\overline{pp}$ Contrarium — absunt] (?) Biondi iud b f 88
[et — *fin*] Bes 2, 119 Kr (?) Suppl

D de contraria tutelae et utili actione 27, 4

3 § 1 [et — absunt]; [sed vel — liberavit, vel]; [tutor — *fin*] Siber SZ 45 (1925) 166

§ 3 [quantitatem — ut] ⟨et⟩ Biondi compensazione 316 sq (estr 156 sq)

§ 5 [§ 5] gl Bes 3, 167

§ 6 [si quidem — *fin*] Solazzi Tutele e curatele 24 Kr Suppl Albertario Rend Lomb 55 (1922) 524 n 1

§ 7 [$\overline{pp}$ § 7] Biondi iud b f 89. 152 n 5

§ 8 [$\overline{pp}$ § 8] Solazzi Min età 288 n 1
[contrario] Biondi ll cc cf Kr Nov Suppl
[ante tutelam vel] ⟨est⟩ Mommsen Dig ed mai gl Lenel 1034 n 1 **ca** Peters SZ 32 (1911) 195
[sive pro — curator] Gradenwitz Grünh Z 18 (1891) 344

§ 9 [§ 9] (?) Partsch neg gest 53 n 1
et ⟨vel his⟩ ad Scialoja Dig Mil

4 [$\overline{pp}$ 4] Biondi iud b f 87. 89. 131 n 35 152 n 5 Kr Nov Suppl
[contrario iudicio] Partsch neg gest 61 n 1
[persequi debebit] ⟨consequi debet⟩ Partsch l c 53 n 2
[nihil — *fin*] Beseler SZ 43 (1922) 547
[amittere — *fin*] Rechnitz Julian 97

5 [$\overline{pp}$ 5] Biondi iud b f 87 Kr Nov Suppl
[actionem — posse] Partsch neg gest 60 n 2

6 [$\overline{pp}$ 6] Biondi iud b f 87
actionem ⟨utilem negotiorum gestorum⟩ Partsch neg gest 60 n 2

D de eo qui pro tutore prove curatore negotia gessit 27, 5

rubr [rubr] Lenel EP³ 321 (§ 126)
[prove curatore] Partsch neg gest 63

1 pr [pr] Peters SZ 32 (1911) 246 Partsch neg gest 63 Pringsheim Festschr Lenel 267 Cuq manuel 220 n 2
[$\overline{pp}$ pr] Pernice SZ 19 (1898) 168 n 1 Kr Lenel EP³ 318 n 10 (§ 124) VJR 4, 217, 11. 243, 14 Perozzi Ist² 1, 506 n 3 *alii*
[Protutelae actionem] (?) ⟨hanc formulam⟩ (?) Alibrandi opp 1, 589
[quasi tutor] *corr* ⟨quum non sit tutor⟩ Scialoja Dig Mil

§ 1 [sive se — *fin*] Peters (?) SZ 32 (1911) 263 n 1 Kr (?) Suppl Solazzi Arch giur 91 (1924) 162 sq

§ 2 Ante § 2 *ins* ⟨—⟩ Peters SZ 32 (1911) 259

D de eo qui pro tutore prove curatore negotia gessit 27,5

1 § 5 [$\overline{pp}$ § 5] Beseler Stud Bonfante 2, 79

§ 6 [protutelae] ⟨tutelae⟩ Peters SZ 32 (1911) 256
[nam — *fin*] Peters l c
[id — oportet] Eisele SZ 18 (1897) 40 Kr Solazzi Tutele e curatele 92 n 3
[sed — *fin*] Frese Mél Cornil 1, 377 n 3; Stud Bonfante 4, 406 n 32
[erit] ⟨dabitur alia⟩; actio ⟨utilis⟩ Partsch neg gest 66

§ 7 [$\overline{pp}$ § 7] Solazzi Arch giur 91 (1924) 166 Bonfante corso 1, 489 n 12 Biondi iud b f 109 n
[Si curator — functus est] Peters SZ 32 (1911) 255. 256 n 1
[et est — functus est] Alibrandi opp 1, 589
⟨a consule vel⟩ a praetore; [vel a praeside] Solazzi ist tut 42 n 5. 84 n 3
[at — *fin*] Alibrandi l c Peters l c Bes 3, 133 Kr Suppl

§ 8 [§ 8] Peters SZ 32 (1911) 256 Partsch neg gest 63 Perozzi Ist² 1, 506 n 3

§ 9 [Sed utrum — non fuit] Peters SZ 32 (1911) 262 Bes 3, 92 Solazzi Tutele e curatele 54 n 2
[sed et — *fin*] Bes l c
[sed et — peterent] Lenel 1036 n 1 VJR 1, 787, 7 Solazzi Bull 37 (1929) 19 n 1
[si necessarios — peterent] Gradenwitz Itpp 238 Peters l c VJR 4, 71, 21 **ca** Kalb RJ 92

2 inscr [quinto] *corr* ⟨septimo⟩ Lenel 227 n 2

3 [pro tutore]; [an — gesserit] Solazzi Arch giur 91 (1924) 161 n 2 (162)

5 [contrarium] ⟨negotiorum gestorum⟩ Biondi iud b f 90 cf Peters SZ 32 (1911) 244. 260

D quod falso tutore auctore gestum esse dicatur 27, 6

rubr [falso tutore] ⟨eo⟩; auctore ⟨qui tutor non fuerit⟩ Solazzi Rend Lomb 56 (1923) 743 n 1 Lenel EP³ 119 sq. 119 n 1 (§ 43)
[gestum] ⟨iudicium acceptum⟩ Solazzi l c
[gestum] (?) Lenel l c

1 pr [pr] π Bes 2, 71 ⟨—⟩ Beseler Stud Bofaante 2, 67
[$\overline{pp}$ pr] Solazzi Arch giur 91 (1924) 154 n 1 Pringsheim Festschr Lenel 217 n 5. 267 ⟨iudicio⟩ contrahentes (?) Kr Suppl

D quod falso tutore auctore gestum esse dicatur 27, 6

1 § 1 sunt ⟨—⟩ Lenel 420 n 3
§ 2 [pp § 2] Beseler Stud Bonfante l c
§ 3 [pp § 3] Beseler Stud Bonfante l c
[quamvis — tutore gestum est] Mancaleoni Stud Fadda 5, 105 sq [gestum] Kr Suppl Solazzi Arch giur 91 (1924) 152
[quid enim — *fin*] Solazzi l c
[gestum est] Mancaleoni l c
§ 4 [pp § 4] Beseler l c
§ 5 [pp § 5] Erman SZ 25 (1904) 347 Beseler l c
[nisi — *fin*] Mancaleoni Stud Fadda 5, 105 sq Albertario Fil 36 (1911) 814 Bes 4, 80 Solazzi Arch giur 91 (1924) 151. 161 Perozzi Ist^{2} 1, 506 n 6
§ 6 [pp § 6] Beseler Stud Bonfante l c
[dabo — restitutionem] Lenel EP^{3} 120 (§ 43) Kr Suppl Perozzi Ist^{2} 1, 506 n 6
⟨iudicium restituam⟩ (?) Lenel 422 n 4 ⟨quod . . . iudicium acceptum erit . . . in integrum restituam⟩ Lenel EP^{3} 120. 120 n 1 (§ 43)

2 [pp 2] Beseler Stud Bonfante 2, 68

3 [pp 3] Beseler l c

5 [pp 5] Beseler l c

6 [utique — spectare]; [si — pupillus] Beseler l c

7 pr [pp pr] Wlassak Jud bef 162 Jörs röm Priv R 212 ⟨—⟩ Beseler l c
§ 1 [§ 1] Bes 4, 242; Stud Bonfante l c
§ 2 [pp § 2] ⟨—⟩ Beseler Stud Bonfante l c
§ 3 ⟨—⟩ facturus est [actor] Beseler l c
§ 4 [pp § 4] Alibrandi opp 1, 130 sq Kr Perozzi Ist^{2} 2, 145 n 1 Beseler l c Levy Konk 2, 1, 244 **ca** *genuin* Lecomte tuteurs 165
[perceptione ab] ⟨litis contestatione cum⟩ Eisele Arch z Pr 77 (1894) 454 Binder Korrealobl 346 Levy spons 202 n 6 Betti eff estint 30 Bonfante Ist^{8} 378 n Pacchioni corso dir rom^{2} 3, 29 n 42
[perceptione — ceteri] Bonfante Scr giur 3, 223
[perceptione — facta] Ferrini obbl 424; Pand 558 n 3 Bonfante lez obbl 131 sq De Ruggiero lez obbl (1920/21) 111 Pacchioni Savigny obbl 1, 707
[et — electione] ⟨ceteri non liberantur⟩ Bonfante lez obbl 131 sq
[non] Betti l c

D quod falso tutore auctore gestum esse dicatur 27, 6

7 § 4 [non electione] Ferrini Eisele Binder ll cc Levy l c; Konk 2, 1, 244 Pacchioni De Ruggiero ll cc Bonfante Ist^{8} 378 n; Scr giur 3, 223 ⟨per electionem⟩ (?) Ascoli Studi e doc 11 (1890) 169

8 [et ideo — sit] Beseler Stud Bonfante 2, 69
[et ideo si] ⟨etsi ab uno⟩ Levy Konk 2, 1, 189 n 6. 245 Beseler SZ 45 (1925) 471
[si] ⟨etsi⟩ Bonfante lez obbl 132
[si nihil aut non] ⟨etsi⟩ Bonfante Scr giur 3, 223; Ist^{8} 378 n
[aut non totum] (?) Levy l c
reliquos [non] (?) Segrè Stud Moriani 2, 315 n 1 Pacchioni Savigny obbl 1, 707 sq VJR 4, 226, 22 Betti eff estint 30 **ca** Bonfante lez obbl 132
⟨actionem⟩ Levy l c
[denegandam] ⟨dandam⟩ Kr **ca** Lecomte tuteurs 165
[in id — deest] Pernice *apud* Bremer iurispr antehadr 2, 1, 570 Bonfante lez obbl 132; Scr giur 3, 223; Ist^{8} 378 n Levy l c Beseler Stud Bonfante l c

9 pr [pp pr] Beseler Stud Bonfante 2, 69 **ca** *genuin* Desserteaux capitis dem 1, 286
[actionis] ⟨edicti⟩ Arangio-Ruiz Bull 25 (1912) 162 n
[dolo malo] *corr* ⟨dolum malum⟩ Lenel EP^{3} 120 n 3 (§ 43) Fadda Scialoja Dig Mil
§ 1 [pp § 1] Beseler l c **ca** *genuin* Desserteaux l c
[in factum] De Francisci Synall 2, 109
[heredibus] ⟨heredi⟩ Bremer iurispr antehadr 2, 1, 105
[competere] (?) ⟨dari⟩ (?) Segrè Stud Fadda 6, 388 n 4
[ceterisque successoribus] Longo Bull 14 (1902) 159 n 1 Kr De Francisci l c Rotondi Scr giur 2, 390 n 2
[quoniam — concipiuntur] Bremer l c Rotondi l c

10 [pp 10] Solazzi Arch giur 91 (1924) 154 Beseler Stud Bonfante 2, 69

11 pr [pp pr] Wissenbach embl 78 Beseler Stud Bonfante l c
[Falsus] Lenel EP^{3} 119 n 1 (§ 43). 317 (§ 122)
[minori — annis] ⟨impuberi aut feminae puberi⟩ Cuiac 3, 648 C = observ 22, 20 Wissenbach emb 78

D quod falso tutore auctore gestum esse dicatur 27, 6

11 pr ⟨mulieri vel impuberi⟩ Lenel EP^3 317 n 6 cf Ulp 1017 n 1 Solazzi Arch giur 91 (1924) 151 De Francisci Synall 2, 110

§ 1 [$\overline{pp}$ § 1] Beseler Stud Bonfante 1 c

§ 2 [$\overline{pp}$ § 2] Beseler Stud Bonfante 2, 58. 69
[nam — *fin*] Lenel EP^3 317 n 6 (§ 122) impubere ⟨vel femina pubere⟩ Cuiac 3, 648 **A** = observ 22, 20 ⟨vel muliere⟩ Lenel 1017 n 1; EP^2 308 n 1

§ 3 [$\overline{pp}$ § 3] Beseler 1 c 69

§ 4 [$\overline{pp}$ § 4] v Mayr SZ 24 (1903) 259 n 1 Beseler 1 c 69 *alii*
[si — pertinet] Gradenwitz Itpp 93. 232 Pernice Labeo 3, 1, 205 Kr Suppl
[in casibus — *fin*] Gradenwitz 1 c Pernice 1 c Lenel 1017 n 2 VJR 1, 640, 38. 957, 39

12 [si tamen — *fin*] Beseler Stud Bonfante 2, 70
[adulescentem] Solazzi Arch giur 91 (1924) 163 n 3

D de fideiussoribus et nominatoribus et heredibus tutorum et curatorum 27, 7

1 pr [si — sit] Faber iur Pap 12, 2, 4 (748) Lenel 651 Seckel (?) s v legitimus 309 Solazzi Min età 281 n 6; Tutele e curatele 96 VJR 3, 112, 26. 40 Bonfante corso 1, 464 n 1
[legitimae aetatis] Cuiac 1, 42 C = Not Inst 1, 19 n 7

§ 1 [§ 1] Bes 1, 50
[non quidem — et] Albertario delictum 71
[non quidem — sed] Albertario Riv dir comm 21, 1 (1923) 500 n 3
[hoc] Albertario delictum 71

4 pr [vel — administratio] Solazzi Tutele e curatele 53 Levy SZ 37 (1916) 63 n 2
[nam — *fin*] Bremer iurispr antehadr 1, 190

§ 1 [§ 1] Rotondi (?) Scr giur 2, 299 n 4 Bes 3, 119 Kunkel SZ 45 (1925) 318

§ 3 [$\overline{pp}$ § 3] Solazzi Tutele e curatele 5 n 2 Guarneri Citati obbl indivis 1, 137 n 1 Bonfante corso 1, 470 n 3
[Fideiussores] ⟨sponsores⟩; [fideiussorum] ⟨sponsorum⟩ Lenel 1032 n 3. 4 Solazzi (?) 1 c *plerique*
[perinde — legitimo] ⟨in eos formulam ficticiam dari ac si⟩ Riccobono SZ 43 (1922) 266 sq Donatuti Stud Bonfante 4, 477

D de fideiussoribus et nominatoribus etc 27, 7

4 § 3 [iure legitimo] Solazzi 1 c Riccobono Ann Pal 12 (1929) 532. 541
[eadem — *fin*] Pringsheim Festschr Lenel 262 Riccobono SZ 43 (1922) 266 sq Perozzi Ist^2 1, 486 n 9 Donatuti 1 c

5 [fideiussoribus] (?) ⟨sponsoribus⟩ (?) Lenel 561

6 [$\overline{pp}$ 6] Biondi compensazione 236 sqq (estr 76 sqq) Solazzi ist tut 256 sq
[tutores] ⟨fideiussores⟩ Betti D 42, 1, 63 p 455
[fideiussores] (?) ⟨sponsores⟩ (?); [fideiussores] (?) ⟨sponsores⟩ (?) Levy SZ 37 (1916) 80 n 6
[tutores solvendo — et] Solazzi Tutele e curatele 67. 105 Levy 1 c
[ex — *fin*] Solazzi 1 c Betti 1 c Lecomte tuteurs 197 sq

7 [Si] Beseler SZ 45 (1925) 471
[fideiussores] ⟨sponsores⟩ Rotondi Scr giur 2, 275 **ca** Bortolucci Bull 28 (1915) 250
⟨et⟩ tutorem; [atque ideo]; placuit ⟨non⟩; [residui]; ⟨non⟩ videretur Beseler 1 c
[fideiussorum] *corr* ⟨fideiussorium⟩ Huschke ZGRW 14 (1879) 56 n 13
[nam — *fin*] Costa Pap 4, 28 Bortolucci 1 c Kr Suppl Betti eff estint 14 Solazzi Min età 198 n 1 Beseler 1 c
[nam — actio] Perozzi Ist^2 2, 140 n Kr Guarneri Citati obbl indivis 1, 137 n 1 VJR 4, 3, 9 **ca** Levy Konk 1, 196 n 4
[nam — credatur] Costa storia dir rom priv (1925) 451 n 1
[si enim — *fin*] Eisele SZ 13 (1892) 147 Bes 2, 89 Levy spons 153 sq. 153 n 4; Konk 1, 196 n 4; 2, 1, 250 n 6 Biondi iud b f 52 n 1 (54)
[datum pro] *corr* ⟨datur, pro⟩ Huschke 1 c

8 pr [vel curator] Solazzi Min età 72

§ 1 heres ⟨in solidum⟩ Betti Rend Lomb 49 (1916) 240
[idem — observandum] (?) VJR 3, 312, 38
[sed — subventum est] ⟨—⟩ Rotondi Scr giur 2, 295 sq
[hoc tamen — *fin*] Rotondi 1 c Albertario Rend Lomb 47 (1914) 513 Bes 4, 69 Gradenwitz SZ 34 (1913) 256 sq Kr (?) Suppl Riccobono SZ 47 (1927) 78. 111

D de magistratibus conveniendis 27, 8

1 pr [$\overline{pp}$ pr] Brugi Mél Girard 1, 148 sq Haymann SZ 40 (1919) 192 n 1
[subsidiaria] Brugi l c **ca** Albertario a° subsidiaria 3 n 1 Levy Privatstr 41 n 4 Lenel EP^3 321 n 11 (§ 127)
[fideiussores] ⟨praedes⟩; [fideiusserint] ⟨spoponderint⟩ Lenel 1038 n 2 Kr Solazzi (?) Att Ven 77, 2 (1917/8) 12 n 1 **ca** Levy spons 6
[proinde — magistratus] (?) Levy SZ 37 (1916) 84 n 3
[competit] Kr Solazzi l c
[sed si — *fin*] Solazzi l c; Tutele e curatele 33 n 4

§ 1 praetor ⟨neque consul neque praeses provinciae⟩ (?) Solazzi Att Ven 77, 2 (1917/8) 2 cf Mitteis SZ 29 (1908) 392

§ 2 [gratia — renuntiantes] (?) Solazzi Att Ven l c 17. 17 n 1
[falsa renuntiantes] (?) Seckel s v renuntiare 3

§ 3 [, quasi] *corr* ⟨eos si⟩ Scialoja Dig Mil
[vel — culpa] De Medio Bull 18 (1905) 285 Kübler (?) SZ 39 (1918) 213 Kr Suppl
[lata] (?) Kübler l c

§ 4 [$\overline{pp}$ § 4] Brugi Mél Girard 1, 143 sqq Berger Krit Viert 16 (1914) 84 Lenel EP^3 321 n 13 (§ 127) Biondi iud b f 132 n 3

§ 5 [§ 5] Albertario a° subsidiaria 4 Kr (?) Suppl
[curatores] ⟨tutores⟩ Solazzi Min età 148 sq **ca** Lenel SZ 35 (1914) 179

§ 6 [$\overline{pp}$ § 6] Solazzi Att Ven l c 6; Min età 72. 149 n 1 Bonfante corso 1, 423 n 1
[vel curator]; [vel adulescentes] Albertario a° subsidiaria 4 Solazzi l c Kr Suppl cf Lenel EP^2 311 (§ 127). EP^3 322 (§ 127)
[ideo — *fin*] Bes 2, 27

§ 7 [data opera] (?) *bis* Ebrard SZ 46 (1926) 147

§ 9 [prius — *fin*] Levy SZ 37 (1916) 58 n 5. 87 Kr Suppl
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§ 15 [$\overline{pp}$ § 15] Bonfante corso 1, 469 n 6
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8 [sed hoc — satisdatio] (?) Solazzi tutela 1, 34 n 1

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EDD.

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vivo [patre] ⟨Primo⟩ Cuiac 1, 1060 A = Ad Dig 28 adhl Francke Noterben 78 n 16 Mühlenbruch Glück Pand 36, 443 Vangerow Pand[7] 2, 234
[ut natus — moriatur] Faber coni 8, 20
[quoniam — *fin*] Albertario alterazioni pregiust D 5, 4, 3 p 8

9 § 2 [rumpit — *fin*] Ratti Bull 35 (1927) 133. 135 sq
[rumpit — fuerit] sed [et] Beseler SZ 45 (1925) 200
§§ 3, 4 *post* § 1 *collocat* Scialoja Dig Mil

10 [$\overline{pp}$ 10] Wissenbach embl 80 Di Marzo decis 55
[quia hic — *fin*] Bes 4, 229

11 [In — essent, qui] ⟨Sui heredes⟩; [sola nota — genitus sit] Bes 4, 231, cf 2, 34 n
[evidentius]; consequ⟨i⟩[untur] Siber röm Priv R 329
[$\overline{pp}$ et occidere licebat] Mommsen Strafr 618 n 4
[licebat] ⟨licet⟩ Wissenbach embl 81 Ferrini dir pen esp stor 380 sq Bonfante corso 1, 85 n 2; 6, 184; Ist[8] 156 n 3 Perozzi Ist[2] 1, 424 n 1

13 pr [$\overline{pp}$ pr] Pampaloni Riv It sc giur 52 (1912) 131 n 1 Riccobono Ann Pal 3/4 (1917) 601 n 2 VJR 4, 17, 49; 5, 59, 33; (?) 1, 1019, 4. 1127, 52; 2, 115, 50; 3, 7, 47. 8, 10. 21. 10, 43. 37, 17. 193, 25. 277, 19. 278, 14; 5, 347, 51. 363, 21

D de liberis et postumis heredibus instituendis etc 28, 2

13 pr [dicendum — *fin*] Ferrini Bull 14 (1901) 214 Kr Krüger Quellen^{2} 186 n 46 cf Stella Maranca Celso 84
[licet — *fin*] Lenel 420 (Celsus 115) Eisele SZ 18 (1897) 24 HKrüger SZ 19 (1898) 23 Gradenwitz SZ 26 (1905) 351 Kübler Krit Viert 49 (1911) 7; cf Gesch röm R 268 n 1 Pringsheim Festschr Lenel 250 Rechnitz Julian 39 **ca** Fitting Alter^{2} 30
[ad huiusmodi — *fin*] Bes 2, 93 cf 4, 160
[ad huiusmodi — decursum est] Seckel s v humanitas cf Appleton int 104 Bortolucci Bull 20 (1908) 40 **ca** Cuq inst 2, 59 n 2

§ 2 [$\overline{pp}$ § 2] Tumedei Riv It sc giur 64 (1920) 104 n *π* (?) Rechnitz Julian 42

14 pr [quamvis — scriptos pertineat hereditas] Tumedei Arch giur 86 (1921) 103

§ 1 [vulgo — ideoque] Beseler SZ 45 (1925) 471

§ 2 [cum elogium — *fin*] Bes 3, 50 Schulz Einf 30 Kr Suppl; cf Gedächtnisschr Seckel 109 Lauria Riv dir civ 19 (1927) 366

15 [$\overline{pp}$ 15] Schulz Gedächtnisschr Seckel 109

18 [non — causa]; [nec — impuberibus] Bes 2, 76

23 pr ⟨non⟩ nocere dixi [nam — *fin*] Beseler SZ 43 (1922) 547
[nam — adumbretur] Bonfante corso 1, 28 n 4
[nam — videretur] Albertario Rend Lomb 61 (1928) 514 n 2
[in omni fere iure] Albertario Bull 33 (1923) 22 n 4
[ne — videlicet] Bergman Adoptionsrecht 142 n 1
[ne — adumbretur] Rabel Grundz 419 n 3

§ 1 [non] rumpitur testamentum; [ab — *fin*] Beseler SZ 43 (1922) 547

24 testamentum ⟨—⟩ Cuiac 5, 1055 B = Paul quaest 9 adhl
⟨et⟩ si Scialoja Dig Mil
[vivo patre] Faber coni 9, 5 Kr

25 pr postea consultus, ⟨?⟩; [de errore — *fin*] Schulz Gedächtnisschr Seckel 109

§ 1 [eodem die] gl Lenel 1548 cf Mo

27 [$\overline{pp}$ 27] gl Landucci Stud Serafini 415

28 pr [institui] ⟨substitui⟩ Faber coni 3, 15 **ca** Francke Noterben 56

§ 1 rumpe⟨re⟩tur eius testamentum. ⟨dixi testamentum rumpi.⟩ [non quidem — *fin*] Bes 3, 51 Kr Suppl

D de liberis et postumis heredibus instituendis etc 28, 2

28 § 3 [ancilla vel]; [vel libertatem — aut] Albertario Fil 37 (1912) 521 Kr Suppl
[et generaliter — *fin*] Albertario l c Perozzi Ist^{2} 2, 603 n 1

§ 4 ⟨—⟩ Quid autem Kr
invicem ⟨alii⟩ alium Huschke Rhein Mus 6 (1833) 309

29 [$\overline{pp}$ 29] Lenel 157

§ 1 [$\overline{pp}$ § 1] (?) VJR 1, 865, 30

§ 4 concipere ⟨poterit⟩ utrisque Vangerow Pand^{7} 2, 221 n 4
[ita — *fin*] ⟨—⟩ Lenel 157

§ 5 [$\overline{pp}$ § 5] Faber coni 10, 15 Kr (?) Perozzi Ist^{2} 2, 604 n VJR (?) 1, 234, 26. 565, 46. 637, 3 gl (?) 53. 640, 25; (?) 3, 116, 5. (?) 166, 2. (?) 169, 22. (?) 208, 36; (?) 4, 13, 32; (?) 5, 259, 15. (?) 345, 13. (?) 551, 29
[hi enim — *fin*] Lenel 157
[sed ex — *fin*] Desserteaux capitis dem 2, 464 et nn 3. 4

§ 6 [$\overline{pp}$ § 6] Perozzi Ist^{2} 2, 604 n VJR (?) 3, 168, 45; 4, 14, 29. 15, 35
antea quam [filius] gl Lenel 157
nepos vel etiam ⟨pronepos⟩; post mortem scilicet avi ⟨vel proavi⟩ Mühlenbruch Glück Pand 36, 252 **ca** Vangerow Pand^{7} 2, 221 n 6
[nam — pertinet] gl (?) Lenel 155 VJR 1, 636, 50
[melius — *fin*] Faber coni 9, 4 Kr (?)

§ 7 [vivo] gl (?) Lenel 157 cf Vangerow Pand^{7} 2, 223 n 10
[$\overline{pp}$ quod quaerendum — redeatque mortuo] *corr* Lenel 157
[sed cum — *fin*] Bes 3, 32 Kr (?) Suppl

§ 8 [§ 8] (?) [Forsitan — casibus]; quod minime ⟨verum⟩ est [expavescendum] (?) Bes 3, 87 Kr Suppl
[$\overline{pp}$ § 8] (?) VJR 1, 640, 12; 3, 180, 52

§ 10 [$\overline{pp}$ § 10] De Medio fallac crit 8

§ 12 vivo patre [nascatur] Lenel 157 cf Vangerow Pand^{7} 2, 224 n 13

§ 13 [Etiam — nascantur] gl (?); [nec succedens — rumpat]; 'nec solum — *fin*' *post verba* 'locum non rumpat' *collocanda* Lenel 157

§ 14 [$\overline{pp}$ § 14] (?) Grosso efficacia dei patti 1, 49 n 2
[$\overline{pp}$ Videndum — tempus]; [nisi quod — *fin*] Beseler SZ 45 (1925) 201
[$\overline{pp}$ Videndum — rumpet] (?); [nihil enim — dicere] vivo patre — decedat, ⟨constat⟩ [quia — *fin*] Ratti Bull 35 (1927) 133 sq
[licet audenter] (?) VJR 1, 518, 3

29 § 15 [$\overline{pp}$ § 15] Bes 4, 204 Perozzi Ist² 2, 604 n

§ 16 [nam — *fin*] gl (?) Lenel 157

D de iniusto rupto irrito facto testamento 28, 3

1 [non adita hereditate] Coli saggi crit 1, 16

2 [$\overline{pp}$ 2] Tumedei Arch giur 86 (1921) 84 Balog Ét Girard 2, 428 VJR (?) 4, 149, 39
[nisi — *fin*] Perozzi Ist² 2, 529 n 5. 574 n 1
[vel] iure; [vel — *fin*] Albertario Fil 36 (1911) 814 Bonfante Glück ital 29, 1, 2; Ist⁸ 593 n 2 Kr Suppl
[vel] iure; [vel — potest] gl Potest adhl Faber error 37, 1 Kr Lenel 2439 Suman Favor testamenti 134. 187 Bohaček Stud Bonfante 4, 329 n 88

3 pr [per — descendentes] ⟨virilis sexus⟩ Cuiac 1, 1057 A = Ad Dig 28, 2, 4; 1, 319 E = Ulp reg 11 n 1 Faber coni 9, 13 Schifordeger 3, 209 Ramos Meerman Thesaurus 7, 242 cf Albertario storia d ricerca d interpol 11
[per — sexum] ⟨virilis sexus⟩ Wissenbach embl 82
[ad — nominatim] ⟨—⟩ Albertario Bull 32 (1922) 128 [per virilem — filiorum] Solazzi Athenaeum Pavia NS 8 (1930) 54

§ 2 [nec — *fin*] Beseler SZ 45 (1925) 477

4 [Denique — heredibus] Tumedei Arch giur 86 (1921) 103
heredibus ⟨defuncto postumo⟩ Cuiac 1, 1059 E = Ad Dig 28, 2, 8

5 [a quo scilicet — exheredatus non est] Mo (?) Tumedei Arch giur 86 (1921) 96. 98
'a quo scilicet — exheredatus non est' *post* 'primi gradus' *transfert* Lenel 2446
postumus exheredatus [non] est Azo *sec* gl Exheredatus adhl Cuiac 1, 1056 D = Ad Dig 28, 2, 3, 6 Francke Noterben 82 n 26 gl Vangerow Pand ⁷ 2, 234 Appleton NRH 40 (1916) 32 **ca** Mühlenbruch Glück Pand 36, 452

6 pr Marcellus scribit [neque] ut suum [neque — cognatum] ad hereditatem [vel — possessionem] ⟨non⟩ posse Albertario Bull 33 (1923) 13. 34

§ 1 [$\overline{pp}$ § 1] Ratti Bull 35 (1927) 165

6 § 1 [iste]; [quia — *fin*] Beseler SZ 45 (1925) 202 **ca** Ratti l c 133 n 3

§ 2 Si[ve] Albertario Arch giur 99 (1928) 155
[sive apud hostes] Ratti (?) Bull 35 (1927) 164 sq Albertario l c

§ 3 [$\overline{pp}$ § 3] (?) Schulz SZ 43 (1922) 245 n 6 (246)

§ 4 [sive per captivitatem] gl VJR 1, 624, 14

§ 5 [aliquid] ⟨capitis deminutio⟩ Coli saggi crit 1, 16 Kr Nov Suppl Ratti Riv It sc giur NS 1 (1926) 205 n 51
[civitatem — *fin*] Coli l c Kr l c
contigit [puta — servitutem] ⟨—⟩ Ratti l c

§§ 6—7 [$\overline{pp}$ §§ 6—7] (?) Albertario delictum 44 n 1

§ 7 [$\overline{pp}$ § 7] (?) Ferrini Pand 793 n 3 Cohn Vereinsr 6 n 15
[magis quam damnari] Pringsheim Kauf 148 Barbieri Fil 41 (1916) 225 n 4
[*i f* -legioni-] Bonfante corso 6, 295 n 1
[ista — *fin*] Perozzi Ist ² 2, 517 n 2

§ 8 [atque ideo] ⟨itaque⟩ (?) Beseler SZ 45 (1925) 471

§ 9 [nisi forte — *fin*] Albertario Fil 36 (1911) 814; Bull 33 (1923) 36 n 1 Kr Suppl

§ 12 [ergo — *fin*] Faber iur Pap 11, 9, 4 (655)
[$\overline{pp}$ ergo — *fin*] Coli saggi crit 1, 30 n 5

§ 13 [$\overline{pp}$ § 13] Bonfante corso 1, 127 n 4 VJR (?) 4, 4, 9 *s g* Desserteaux capitis dem 2, 335 n 2
[nam — *fin*] Eisele Beitr 195 Kr Solazzi Arch giur 86 (1921) 204 n 2 Coli saggi crit 1, 20

8 pr [$\overline{pp}$ pr] Bonfante corso 1, 25 n 4
[vel adrogatione] Bergman Adoptionsrecht 113 Castelli Scr giur 169. 171 Solazzi Athenaeum Pavia NS 5 (1927) 110
[quoniam] ⟨quemadmodum⟩ Beseler SZ 43 (1922) 547

§ 1 ⟨—⟩ Filia Castelli Solazzi ll cc

9 eo [non] Beseler SZ 45 (1925) 202

10 [nec] ⟨et⟩ Beseler SZ 45 (1925) 202

12 pr [$\overline{pp}$ pr] Tumedei Riv It sc giur 64 (1920) 58 n; Arch giur 86 (1921) 77 n 3 Pringsheim SZ 42 (1921) 662 Perozzi Ist² 2, 570 n 3
[licet — attamen] Ferrini Bull 14 (1902) 219 Kr Albertario contr crit Dig 52 Biondi convalidazione d codicillo 20 sq

D de iniusto rupto irrito facto testamento 28, 3

12 pr [licet — suptilitate] Riccobono SZ 43 (1922) 380
[iuris — suptilitate] Pringsheim l c 648 cf Seckel (?) s v scrupulositas VJR (?) 4, 142, 52; 5, 291, 50 ⟨iure civili⟩ Gradenwitz SZ 26 (1905) 364 Riccobono Ann Pal 3/4 (1917) 601 n 1
[attamen] ⟨sed⟩ si ⟨septem testium signis⟩ signatum [fuerit] ⟨sit⟩ Riccobono Ann Pal 3/4 (1917) 601 n 1
[si signatum fuerit] Kniep Gai comment 2, 2, 243. 462
optinebit ⟨si nemo sit iure civili⟩ heres Biondi l c Bes 3, 51
[idcircoque — *fin*] Bes 3, 51 Kr Suppl
[idcircoque — dicendum] Coli saggi crit 1, 19 n 2
[et irritum]; [ab intestato] Naber Mnem NS 33 (1905) 386

§ 1 [pp quo rupto — *fin*] Siber röm Priv R 346
[quo rupto — deberet] Ciapessoni Stud Bonfante 3, 724 n 280

16 [pp 16] Scialoja Bull 14 (1902) 14 Kalb RJ 32 n 1 Di Marzo Pompon 17 sqq Perozzi Ist^{2} 1, 158 n 1 VJR (?) 1, 877, 2; 4, 219, 35
[si tamen — extiterit] Eisele SZ 18 (1897) 25 Kr Suman Favor testamenti 104
[id est si Titius consul fuit] Eisele SZ 13 (1892) 140 Mitteis RPR 171 n 14 Suman l c
[tum enim ex hoc heres esset] ⟨—⟩ *aut*: tum enim [ex hoc] heres [esset] esse potest Eisele SZ 13 (1892) 140
[tum enim — esset] Beseler SZ 43 (1922) 547 Suman l c
si possibiles sunt [existere — licet non extiterint] gl Lenel 223 Suman l c
[possibiles sunt]; [etiamsi non extiterint] Eisele SZ 13 (1892) 129
[placet — *fin*] ⟨superius testamentum non erit ruptum *aut sim*⟩ F Hofmann Krit Stud 151 sq Kr
[quasi — *fin*] Kr Suman l c
quasi [condicio — *fin*] ⟨testamentum factum non esset⟩ Eisele SZ 13 (1892) 129 cf traduz Windscheid 4, 498

17 [pp 17] Gradenwitz SZ 26 (1905) 349 Rabel Grundz 426 n 3 Buckland Yale Law Journal 33 (1923/24) 352
[si praeteritus — *fin*] Gradenwitz Itpp 216

D de iniusto rupto irrito facto testamento 28, 3

17 [licet — *fin*] Alibrandi opp 1, 369 Ferrini Bull 14 (1902) 217 Costa Pap 3, 42 Kr Riccobono lez d'ist 317 n 5 Seckel-Kübler iur anteiust 1, 432 n 19
[pp licet — *fin*] Kalb Jagd 16 (*genuin* RJ 110) Seckel s v refragari, (?) s v tueri VJR (?) 5, 56, 40
[suptilitas iuris] ⟨ius civile⟩ Riccobono Ann Pal 3/4 (1917) 601 n 2
[ex bono et aequo] De Francisci Rend Lomb 48 (1915) 305

18 [adrogetur] ⟨adoptetur⟩ Bergman Adoptionsrecht 116 ca Peters SZ 33 (1912) 586
[potest — *fin*] ⟨rumpitur testamentum⟩ Beseler SZ 43 (1922) 547

D de his quae in testamento delentur inducuntur vel inscribuntur 28, 4

1 [pp 1] De Francisci Bull 27 (1914) 12 n 2

pr [inductum deletumve] gl Lenel 2531 Naber Mnem NS 50 (1922) 19 Bohaček Stud Bonfante 4, 332 cf Mo
[sufficit — nolentibus] Bohaček l c

§ 1 [Quod — ideo] Beseler SZ 45 (1925) 471
[proinde — *fin*] Bohaček l c
[non] erunt adempta Naber Mnem NS 50 (1922) 19

§ 2 [§ 2] Bes 4, 69
[sed hoc ita — *fin*] Krüger (?) Krit Versuche 4 Levy SZ 37 (1916) 69 n 5 Bohaček l c
factum est ⟨—⟩ De Francisci Bull 27 (1914) 12 n 2

§ 3 [quoniam] ⟨quin etiam⟩ Krüger Krit Versuche 5 ca Leist Glück Pand 37/38, 4, 194
testamentum [non] extat Faber error 39, 7
[constat — et] gl Mo cf Krüger SZ 1 (1880) 57 n 23 ca Leist l c Lenel 2531 Suman Favor testamenti 152 n 2
[concidit] ⟨conscidit⟩ VJR 1, 863, 39

§ 4 [pp § 4] (?) Tumedei Riv It sc giur 64 (1920) 105 n
[si forte — adempta] Bohaček l c
['si forte sit substitutus'] iure [facta] gl Faber coni 18, 16 ca Mühlenbruch Glück Pand 36, 397 n 85
[a]dempta; [iure] ⟨vacue⟩ facta Naber Mnem NS 50 (1922) 20

1 § 4 [facile] Gradenwitz SZ 27 (1906) 253 Kr Suppl Naber l c 21 Rotondi Scr giur 3, 472

2 induxerat et [si] ⟨se⟩ Hal Kr ⟨se id⟩ Bonfante Dig Mil
[id postea — signatum est] gl Naber Mnem NS 50 (1922) 23 Bohaček Stud Bonfante 4, 318 n 43. 326 n 82
[ceteram partem testamenti] ⟨testamentum⟩ Bohaček l c 321 n 62. 326 n 82

lin 33 [sed] ⟨nec⟩ legata Bes 1, 94 Kr Appleton NRH 40 (1916) 39 **ca** Bohaček l c 322 n 63
[si voluntas — non habebit] Bes l c
[si voluntas — inprobetur] Kr Bohaček l c 326 n 82
[ut licet — offuerit]; [sed an legatariis — quaestio est]; [et legata deberi et] Bes l c Kr
[ut — offuerit]; [non magis — induxerit]; [in ambiguo — *fin*] Bohaček l c 326 n 82
[infirmandam] ⟨infirmatam⟩ (?) Bes l c

3 [*pp* 3] (?) Barbieri Fil 40 (1915) 9 sq

pr caduca a [fisco] ⟨populo⟩ Beseler SZ 43 (1922) 418
cancellasset ⟨. at si non omnes cancellasset⟩ De Francisci Bull 27 (1914) 14 cf Mo Beseler l c
[nonnullos — tutius] Beseler l c
iure [ipso] ⟨praetorio⟩ peremi Frese SZ 43 (1922) 481
'non et illud — exitum faceret?' *genuin* (?) De Francisci l c 15
[sed in re dubia — tutius] Albertario Rend Lomb 58 (1925) 358 n 4; Bull 33 (1923) 68. 71 De Francisci (?) l c 14 n 5
et advocatis [fisci] ⟨aerarii (*vel* populi ?)⟩; Longinus advocatus [fisci] ⟨aerarii⟩ Beseler l c

§ 1 [nihilominus] ⟨—⟩ Riccobono SZ 47 (1927) 98 n 1
[quod videlicet — *fin*] gl Beseler SZ 43 (1922) 419 Albertario Bull 33 (1923) 56 Riccobono l c

4 [et hoc — desiderant] Gradenwitz SZ 7 (1886) 82 Naber Mnem NS 50 (1922) 24 Lenel 533 Kr De Francisci Bull 27 (1914) 15 sq. 19 n 1 Suman Favor testamenti 181. 194 n 2 Balog Ét Girard 2, 427 n a Bonfante corso 6, 338 n 2 Bohaček Stud Bonfante 4, 327 n 85

4 [*pp* et hoc adprobaverint] (?) VJR 3, 201, 41. 227, 13 sq
[scriptis — *fin*] ⟨bonorum possessio secundum tabulas non dabitur⟩ De Francisci l c 16 **ca** Bohaček l c

D de heredibus instituendis 28, 5

1 pr [plerumque] Lenel 2431 Bonfante Ist[8] 577 n 2

§ 3 [haec autem — testatur] David heredis inst 6 n 7

§ 4 [solus] David l c 5 Ciapessoni Stud Bonfante 3, 724 n 278

§ 5 [licet non] ⟨nec⟩; [credimus — scriptum] ⟨—⟩; [tantundem — dicimus] ⟨—⟩ Bes 2, 100; SZ 43 (1922) 547
[credimus — solummodo] Kr Suppl
[Marcellus — procedere] Albertario hodie 13
⟨—⟩ [non insuptiliter — procedere] Bes l c Kr Suppl
[non] putat Scialoja Dig Mil
[tota] ⟨tanta⟩; [tota] ⟨tanta⟩ Bes l c
rescripsit [non] Bes l c Kr Suppl
[quod — *fin*] David l c 6 sq

§ 6 rescripsit ⟨si quis ita scripsisset⟩ Bes 2, 100
⟨non⟩ valere [licet] ⟨quia⟩ Bes l c Kr Suppl

§ 7 [sed — *fin*] Bes 2, 100 Kr Suppl

2 [2] Faber error 35, 10

pr [circa]; Marcellus [eos] Bes 2, 9
[quemadmodum — institutione] Pampaloni Riv It sc giur 52 (1912) 160
[sed — institutione] Bes l c; 2, 170; 3, 51
[si voluntas — refragatur] Lenel 2436 Celsus 121 Kr Seckel s v refragari 499 Bes 2, 4 cf Mitteis SZ 33 (1912) 185
[aliter — probat] Pampaloni l c
[probat] Vignali *sec* Stella Maranca Celso 90 n 16
[aliter atque] ⟨idem⟩ Bes 2, 10
[tunc — condicio]; [sed — *fin*] gl (?) Bes 2, 10 **ca** De Francisci Bull 23 (1911) 44
[hic enim — sed] Pampaloni l c
similia ⟨licet non recte⟩ Hal Vulg cf Stella Maranca l c 90 n 22

§ 1 [potest — adscripsero] Pampaloni Riv It sc giur 52 (1912) 160

3 pr [totus] ⟨totius⟩ Lenel 2448

§ 3 [interim]; [et existente — *fin*] Tumedei Riv It sc giur 64 (1920) 111

D de heredibus instituendis 28, 5

4 pr [excipiendus est]; [quia]; paruerit⟨?⟩; [decessit] ⟨?⟩; [si condicioni — ideo]; [ita — et si]; [faceret] ⟨facere⟩; [procul — *fin*] Beseler SZ 45 (1925) 260

§ 1 [§ 1] Beseler SZ 45 (1925) 260
[puto — definiri]; [propter — *fin*] gl Pringsheim Festschr Lenel 255
[facti potestas] Hal **ca** Scheurl Beitr 2, 2, 88

§ 2 [pp § 2] Dig Mil
sed [et]; [puto] Beseler SZ 45 (1925) 260
[cum — *fin*] Bes 2, 86
cum ⟨—⟩ [et si — *fin*] ⟨—⟩ Beseler SZ l c
[opinamur — *fin*] Kr Suppl
[opinamur] Pampaloni Arch giur 55 (1895) 517

6 pr [tantundem — ut]; condicioni ⟨ne mortuo quidem post diem filio⟩; [possit] admitti ⟨potest⟩ [filio — *fin*] Beseler SZ 45 (1925) 260

§ 2 [pp § 2] Schulz SZ 35 (1914) 117 n 1
[traditus] ⟨mancipatus⟩ Lenel 2457

§ 4 [pp sed — quaeritur] VJR (?) 3, 130, 38
putat ⟨et⟩; [necessarius] ⟨socius per servum heres⟩; [ei] Tumedei Riv It sc giur 64 (1920) 102 sqq
[servus — accipit] Bortolucci Bull 20 (1908) 41 Kr **ca** Tumedei l c
[quae — rationem] VJR (?) 5, 346, 45. 349, 53
[nam — *fin*] VJR (?) 4, 4, 9; 5, 528, 43. 536, 8
⟨libertas⟩ adimi Tumedei l c

7 ⟨?⟩ Rechnitz Julian 58. 93

§ 1 sive [heres] ⟨socius⟩ (?) Tumedei Riv It sc giur 64 (1920) 99 sq ⟨herus?⟩ Tumedei l c 102 n 1
hereditatem adibit *genuin* Rechnitz Julian 93

8 pr [testamento facto] Beseler jur Min 38 sq

§ 1 idem iuris [erit] ⟨esse⟩ Bremer iurispr antehadr 2, 2, 177 ⟨esset⟩ Beseler jur Min 38 sq

9 pr [in — patronus meus] Donatuti Stud Perozzi 313 Bes 4, 141 sq
[in — errans] Lauria Riv dir civ 19 (1927) 371 sqq

§ 1 [hoc — dictaverit] Donatuti Stud Perozzi 313 Bes 4, 141 sq Donatuti Bull 34 (1925) 197

§ 2 [si non — puta] Bes 2, 24; 4, 141 sq
[undecimo] ⟨sexto decimo⟩ Lenel 2460

D de heredibus instituendis 28, 5

9 § 5 [quam — probamus] (?) Pampaloni Arch giur 55 (1895) 508 n 22. 509

§ 7 [ex parte dimidia] gl Mo Lenel (?) 2460

§ 11 [§ 11] Beseler SZ 43 (1922) 547

§ 12 iuris ⟨civilis⟩ Frese SZ 43 (1922) 477

§ 13 [pp § 13] Pampaloni Riv It sc giur 52 (1912) 151 sq n 11 Siber röm Priv R 348
[expeditissimam]; [sine] ⟨pro⟩ Beseler SZ 45 (1925) 445 David heredis inst 14 sq
[hereditate potirentur] ⟨bonorum possessionem haberent⟩ Ciapessoni Stud Bonfante 3, 722 sq
[si modo — *fin*] Faber coni 17, 16; error 15, 7 Lenel 2463 Celsus 122 Scialoja Bull 14 (1902) 43 n 2 Mancaleoni Stud Sassaresi 2 (1902) 117 Zanzucchi Arch giur 72 (1904) 259 n 2 Seckel s v refragari 500 Ferrini Pand 758 n 2. 759 Stella Maranca Celso 91 De Francisci Bull 23 (1911) 49 VJR (?) 4, 223, 39 Kr Suman Favor testamenti 61 n 2 Costa storia dir rom priv [2] 493 n 4 Perozzi Ist [2] 2, 552 n 1 Bonfante Ist [8] 583 n 1 Beseler SZ 45 (1925) 445 David l c Ciapessoni l c 724 n 281

§ 16 sed ⟨et⟩ Bes 4, 142

§ 17 [§ 17] Suman Favor testamenti 74 sq
[pp § 17] Tumedei Riv It sc giur 64 (1920) 74 n 2; 65 (1920) 119
[potest — *fin*] Schulz SZ 35 (1914) 125; SZ 48 (1928) 275 Kr Suppl Bonfante corso 6, 306 n 1

§ 20 [pp § 20] Tumedei Riv It sc giur 64 (1920) 73 sq Schulz SZ 48 l c

10 [pp 10] Bonfante Ist [8] 582 n 3 Mancaleoni Stud Sassaresi 2 (1902) 120 et n 1
[perinde — est quod] Beseler SZ 43 (1922) 547
[nec enim — inveniuntur] Suman Favor testamenti 62
[nec enim — *fin*] David heredis inst 14 sq Ciapessoni Stud Bonfante 3, 723 n 272 Mancaleoni l c
[pretium] ⟨praediorum⟩ Vangerow Pand [7] 2, 151 Bonfante Dig Mil

12 [exaequari — *fin*] (?) Beseler SZ 43 (1922) 536

13 § 2 [pp § 2] (?) Biondi a[nes] noxales 15 n 6 (16)

14 appellatione ⟨heredum⟩ Bonfante Dig Mil

D de heredibus instituendis 28, 5

15 pr [et ideo — institutos] Beseler SZ 45 (1925) 471

§ 1 [$\overline{pp}$ § 1] Solazzi Stud Pavia 5, 5 (1919) 17 n 6
[heres non erit] ⟨non crevisset⟩ (?) Lenel 2487

17 § 1 semiuncia ⟨adcrescat⟩ Mo Kr Lenel Celsus 123 Stella Maranca Celso 91 n 2

§ 5 in alium [assem] ⟨dupondium⟩ sed in [trientem] ⟨alium assem scilicet in trientem⟩ Scialoja Dig Mil
[nec — *fin*] Pernice Labeo 1, 87 Pampaloni (?) Riv It sc giur 52 (1912) 144 n 14
[Aulus] ⟨Iavolenus⟩ Seckel s v Aulus (Nachtr) Lenel 2488

22 § 2 *genuin* Rechnitz Julian 58

23 pr [certum vel]; [is — hereditatem] Naber Mnem 25 (1897) 295 Kr

§ 1 [sed]; [bonorum — sed] Naber Mnem 25 (1897) 295

§ 2 [§ 2] Naber Mnem 25 (1897) 295 sq

§ 3 [sub — sit et] Solazzi Mem Lincei 318 (1921) ser 5 vol 16 p 551 et n 2
[quis] ⟨quam in sua potestate non habebit⟩ Naber Mnem 25 (1897) 296
[et maxime — imminet] Solazzi (?) l c Rabel Grundz 532 n 2 Lenel EP^{3} 420 (§ 209. 210) Kr (?)
[procuratorem] ⟨curatorem⟩ Naber l c 296 Lenel l c

§ 4 [et ideo] Pringsheim SZ 48 (1928) 739 n 2
[ideo ait] Naber Mnem 25 (1897) 296
⟨—⟩ ait Joers RE 5, 521
⟨Sabinus⟩ (?) ⟨Labeo⟩ (?) ait Lenel 390
[dilatione] ⟨latitatione⟩ Naber l c 294 n 3. 296

25 [quia]⟨quamvis⟩; inesse ⟨non⟩ vide⟨a⟩tur Pampaloni Riv It sc giur 52 (1912) 159 n 6

27 § 1 [quia — *fin*] Beseler SZ 45 (1925) 445 Segrè Riv dir civ 18 (1926) 455 n 1
[satis]⟨magis⟩(?) Di Marzo Pompon 20

29 [hoc — significantur] Bes 3, 35 gl Beseler SZ 45 (1925) 471 sq
[et ideo] Beseler SZ l c
[in quo — *fin*] Faber error 35, 10 Beseler SZ l c 472
[sed — *fin*] HKrüger SZ 19 (1898) 35 VJR (?) 3, 141, 37. 278, 50

30 servum ⟨nec si debitor solvendo non fuerit⟩ Schulz SZ 48 (1928) 265 n 3. 267. 272

D de heredibus instituendis 28, 5

30 domino ⟨non⟩ Beseler SZ 45 (1925) 445
[ita — *fin*] Buckland slavery 573 n 9 Beseler l c Schulz l c

31 pr [cum — *fin*] Bes 3, 63 **ca** Bonfante corso 6, 306 n 2

§ 1 [$\overline{pp}$ § 1] Dig Mil
[dominam esse] Kniep (?) soc publ 285 Di Marzo Stud Scialoja 2, 64 Rabel Grundz 533 n 3
[hereditatem — esse] Scaduto Ann Pal 8 (1921) 27. 70 Perozzi Ist^{2} 2, 501 n 6

32 pr [nam — *fin*] Beseler SZ 45 (1925) 446 gl Solazzi Arch giur 94 (1925) 75

§ 1 [$\overline{pp}$ § 1] Bechmann postlim 74 sqq **ca** Sertorio *sec* Steinwenter SZ 49 (1929) 662
est ⟨non⟩; [quia — poterit]; [quoque] Beseler SZ 45 (1925) 202
[civitatis in personam]; [non abrumpuntur] Beseler l c 446
[omnia — abrumpuntur] Ratti Bull 35 (1927) 136

33 [scilicet — existens] Grupe SZ 17 (1896) 312 Kr
[scilicet — *fin*] Bes 4, 213 sq Kr Nov Suppl

35 [$\overline{pp}$ 35] Buckland text-book 294 n 11

pr proponebatur ⟨cum⟩; [sed — accipietur] Siber röm Priv R 348 n 5
[est (*sic*!) officio — consequi]; [erunt — heredes] ⟨bonorum possessionem habebunt⟩ (?) Ciapessoni Stud Bonfante 3, 723. 724 n 278

pr — § 2 [officio iudicis — repellenda] David heredis inst 20 sq

§ 1 [quare — *fin*] Mancaleoni Stud Sassaresi 2 (1902) 125 sq (131. 146. 162) Kr Bes 3, 133 Bonfante Ist^{8} 583 n 1 Perozzi Ist^{2} 2, 553 n 1 Guarneri Citati obbl indivis 1, 38 sqq n 3 VJR (?) 4, 126, 51. 239, 29; 5, 523, 5
[quare — momenti] Suman Favor testamenti 59 n 1

§ 2 [cum — scriptus] Siber röm Priv R 348 n 5
officio[que] iudicis adtribu[e]⟨a⟩ntur David heredis inst 20 sq
[quae res — *fin*] Mancaleoni Stud Sassaresi 2 (1902) 125 sqq Bonfante Ist^{8} 583 n 1 Perozzi Ist^{2} 2, 553 n 1

§ 3 [et fecit — defuncti] Albertario Stud Zanzucchi 50 n 1
[et fecit — hoc] Guarneri Citati Ann Perug 37 (1924) 34

D de heredibus instituendis 28, 5

35 § 3 [recursuros] ⟨reversuros⟩; [qui] ⟨et⟩ in alios; [et] quasi Scialoja Dig Mil
[quae res — *fin*] Guarneri Citati l c
§ 5 [§ 5] Faber error 15, 8
36 [etiam]; ⟨non⟩ erit [tamen] Pampaloni Riv It sc giur 52 (1912) 162 Kr Suppl
37 pr [ex quo — *fin*] Bes 1, 59
38 § 1 [$\overline{pp}$ § 1] Tumedei Riv It sc giur 65 (1920) 120 n 2
[dedisset] ⟨dederit⟩; [quidem] Rechnitz Julian 30. 31. 91 **ca** Fraenkel SZ 47 (1927) 410
'nisi decem dederit' *genuin* Rechnitz l c 95
§ 3 'alienatus fuisset' *genuin* Rechnitz Julian 79
'hereditatem adire' *genuin* Rechnitz l c 93
§ 4 [$\overline{pp}$ § 4] Rechnitz Julian 41. 74
[igitur] ⟨item⟩ Bes 3, 107
sub condicione ⟨quae ante aditam hereditatem impleri potest⟩ Tumedei Riv It sc giur 65 (1920) 116 n 1
§ 5 [$\overline{pp}$ cum — habet] Rechnitz Julian 100
[restituere — plane]; totum [quod — restituet] ⟨servum praestabit⟩ Beseler SZ 43 (1922) 431
[necesse habet] ⟨debet⟩ (?); [quia — *fin*] Rechnitz l c
39 [et — hereditatis] Beseler SZ 43 (1922) 431
40 immo ⟨si vivo emptore moram fecerit venditor⟩; [praestari] ⟨praestare⟩; [venditor]; [quod — verum] Beseler SZ 43 (1922) 431
[quod — verum] gl (?) Lenel 439
41 (40) [$\overline{pp}$ 41 *init*] Segrè Gazzetta giur mer 1901, 197 n 1 VJR (?) 3, 125, 1 Beseler Stud Bonfante 2, 72
[si heres non esset] ⟨si non crevisset sine exheriditatione⟩ (?); [si Stichus — erit] ⟨quodni ita creveris⟩; [si heres erit] ⟨quodni ita creveris⟩ (?) Lenel 440 Solazzi Stud Pavia 5, 5 (1919) 18 n 4 Kr Nov Suppl
[adierit] ⟨creverit⟩ (?) Lenel l c **ca** Solazzi l c
[potest – admitti] Levy SZ 48 (1928) 680
[quae — fuerint] gl Beseler SZ 43 (1922) 547 Schulz Gedächtnisschr Seckel 90 sqq
[igitur — *fin*] Bes 3, 107 gl Schulz l c Gradenwitz (?) Itpp 232 Pernice Labeo 3, 1, 74 n 1 Lenel (?) l c Kr VJR (?) 1, 639, 42; 2, 346, 9; 3, 147, 38. 169, 15; 5, 336, 2. 39 Levy l c

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41 (40) semisses ⟨duo⟩ fient Huschke ZfZuPr 12 (1839) 377 n 1 *sec* Vulg Hal et Cuiac
ut [alter semis] ⟨as⟩ Cuiac 1, 113 B = Not Inst 2, 15, 4 n 7; 3, 498 D = observ 17, 21; 6, 198 D = Jul Dig 30 adhl
42 (41) [$\overline{pp}$ 42] Beseler Stud Bonfante 2, 72
[ut — Pomponius] (?) Kniep Gaius 9 *genuin* Bluhme ZGRW 4 (1818) 377 n 30 Lenel 836 (Julian 440) Mommsen jur Schr 2, 24 n 8
43 (42) Apollonios ⟨minores XXX annorum⟩ Schulz SZ 48 (1928) 203
45 (44) [$\overline{pp}$ 45] Pernice Labeo 3, 1, 43 sq
46 (45) [quia — haberet] Scialoja (?) Bull 14 (1902) 26 Rabel Mél Gérardin 489 Peters (?) SZ 32 (1911) 470
47 (46) [etiamsi — interposuisse] non [tamen] Bes 3, 29 sq Kr Suppl
[et ipsum]; [non absurde — possit]; [futuram — actionem]; [quia — noluerit] Bes l c Solazzi Arch giur 86 (1921) 171
[$\overline{pp}$ sed — *fin*] Costa Pap 4, 34 n 15 Bortolucci a° utilis 50 n 1 **ca** Lenel EP³ 296 n 5 (§ 108)
[vulgarem — verum] (?) ***vel*** utilem ⟨actionem dandam⟩ Bes l c **ca** 'vulgarem — verum' *genuin* Desserteaux capitis dem 2, 243 sq et nn 1—3
utilem ⟨dandam esse⟩ Seckel s v utilis 5, 609 ***sim*** Kr Solazzi l c
49 [$\overline{pp}$ 49] Pacchioni corso dir rom² 3, 433 n 793
§ 3 [vel alia — adsumptione]; [dum — constet] Donatuti Stud Perozzi 321 **ca** Grosso Stud Bonfante 2, 215 n 60
50 (49) § 1 [extraneis]; [ut constituerit — institutio]; [ut effectum — adquirit hereditatem] Schulz SZ 35 (1914) 112 sqq Bonfante Ist⁸ 570 n Boyé RH 5 (1926) 163 Perozzi Ist² 2, 508 n 5
[in extraneis — observantur] (?); [hoc amplius — adquirit hereditatem] Schulz Einf 51 cf Kr Suppl
[vel condicionem — existentem]; [tria] Schulz ll cc Perozzi l c Bonfante corso 6, 276 sq ⟨duo⟩ Perozzi l c
[et cum — sive[1]] ⟨si⟩; [nam — *fin*] ⟨etiam cum condicio existat⟩ Siber röm Priv R 345 n 5
[$\overline{pp}$ § 1 *i f*] (?) Scialoja dir ered 329 n 1

D de heredibus instituendis 28, 5

51 pr [unde — *fin*] gl? Schulz SZ 35 (1914) 122

§ 1 ⟨—⟩ [secundum — sententiam] Beseler SZ 47 (1927) 63

52 (51) § 1 [morior] ⟨moriar⟩; [quamvis — eius]; sed ⟨et⟩ manumiserit ⟨heredem eum fieri non posse⟩; [fieri — *fin*] Beseler SZ 43 (1922) 547
[neque — *fin*] gl Solazzi Arch giur 94 (1925) 84 sq

55 (54) [$\overline{pp}$ 55] Bremer iurispr antehadr 2, 2, 313

56 (55) [$\overline{pp}$ 56] Schulz SZ 48 (1928) 204 sq. 241 n 2

58 (57) servum ⟨minorem XXX annorum⟩; [ei — est]; [libertatem] ⟨civitatem⟩ Schulz SZ 48 (1928) 202 sq

59 (58) § 1 [si — diligitur] Grosso Stud Bonfante 2, 201 n 40

60 (59) pr tibi ⟨bona fide⟩ Bremer iurispr antehadr 1, 397 Beseler SZ 44 (1924) 393
[adiit] ⟨crevit⟩; heredem ⟨si sciens se liberum esse crevisset⟩; [tunc]; [si] ⟨quia⟩ necessitate [id — *fin*] ⟨crevisset⟩ Beseler l c
[$\overline{pp}$ Labeo — *fin*] Partsch neg gest 95 sq n 5 **ca** Berger Philologus 73 (1914/16) 80
[si — *fin*] Donatuti Ann Perug 38 (1927) 14 n

§ 1 fuerit [Titius] ⟨Titium⟩ Hal *sec* Stella Maranca Celso 93
[$\overline{pp}$ quid enim — *fin*] Pampaloni Riv It sc giur 52 (1912) 165 n 4

§ 3 [non] cum Stella Maranca Celso 94 n 14

§ 4 [$\overline{pp}$ § 4]; [aut — *fin*] Schulz SZ 35 (1914) 118 Tumedei Riv It sc giur 64 (1920) 57 n 1 Kr Suppl
[ex semisse heres erit] Vignali cf Stella Maranca Celso 94 n 16

§ 5 [nec — *fin*] Bes 4, 214 Kr Nov Suppl **ca** Kalinka SZ 47 (1927) 332

§ 7 [sed Attio — heres erit]; hereditatem [Titius — erit et]; [dumtaxat] ad [Seium] Bes 4, 214 Kr Nov Suppl ⟨eum⟩ Bes l c
[quid ergo — *fin*] Bes l c Kr l c Pringsheim Festschr Lenel 215 n 3
[qui] Vignali cf Stella Maranca Celso 95 n 31
[per Titium] Bes 3, 63

61 (60) [ex eadem causa] ⟨minores XXX annorum⟩ (?) Schulz SZ 48 (1928) 205

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63 (62) pr [benevolentiae] gl ⟨receptum⟩ Bes 2, 32 **ca** Kalinka SZ 47 (1927) 338
[idem — *fin*] Bes l c

§ 1 [quippe — *fin*] Bes 4, 214 sq
[nisi — *fin*] Faber error 51, 7; coni 5, 19; iur Pap 12, 1, 43 (728) Gradenwitz Itpp 205 Eisele SZ 10 (1889) 316 Ferrini legati 176 n 1 HKrüger Arch lat Lex 10 (1898) 249 Albertario contr crit Dig 51 Riccobono SZ 34 (1913) 244 Berger SZ 35 (1914) 87 n 3 Suman Fil 42 (1917) 225 Seckel s v nisi 368 VJR (?) 5, 200, 48. 358, 35 Perozzi Ist[2] 2, 538 n 1 Albertario Stud Bonfante 1, 653

64 (63) [hoc] ⟨nihil⟩; [quod, si — *fin*] Bonfante corso 6, 270 sq
[sin autem — *fin*] Albertario contr crit Dig 38

69 (68) [$\overline{pp}$ 69] Di Marzo Pompon 53
[repositum] Bes 4, 181
voluntas [Titii] ⟨testatoris⟩ Francke Noterben 65 n 19
[atquin]; [effectum — habebunt] ⟨inutile faciunt id cui adscribuntur⟩ Bes l c
habent [quando] Mo ⟨cum⟩ Scheurl Beitr 2, 2, 315 **ca** Brassloff Philologus 72 (1913) 299 sq
[et] ⟨sed⟩ monumentum Bonfante Dig Mil
et ⟨tamen⟩ Fadda Dig Mil
[cum eo] valet; [nemo — quin] ⟨inter omnes convenit⟩; [et cum] ⟨si⟩ Bes l c **ca** [$\overline{pp}$ 69] Kübler SZ 42 (1921) 526
[quin] ⟨aut⟩ Francke l c 66 n 22
[esse exhereditationem] ⟨sit exhereditatio⟩ Francke l c

72 (71) [$\overline{pp}$ 72 (71)] Beseler Stud Bonfante 2, 72

§ 1 [§ 1] Faber error 51, 7; def 6, 6, 11 n 27
[quod — *fin*] Segrè Stud Bonfante 3, 610 n 327

73 (72) [a] ⟨as⟩ Scialoja Dig Mil
[civili] ⟨honorario⟩ Ciapessoni Stud Bonfante 3, 722 n 268

77 (76) [ut — idem] Haymann SZ 38 (1917) 239 n 4
[nec — possit] ⟨nec sine libertate heres institui potest⟩ (?) Tumedei Riv It sc giur 63 (1919) 86 n 1 **ca** Haymann l c

78 (77) inscr [septimo] ⟨sexto⟩ decimo (?) Lenel 260

78 est ⟨ex cognatis meis qui nunc sunt⟩; Titium ⟨cognatum suum⟩ (?); [eius — sed hoc] Beseler SZ 43 (1922) 437

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78 [sed hoc — *fin*] Betti Arch giur 100 (1928) 55 n 4

79 (78) pr [$\overline{pp}$ pr] Ferrini Pand 759 n 1
[sed arbitrum — *fin*] Ciapessoni Stud Bonfante 3, 724 n 278
[factis — cautionibus] Mancaleoni Stud Sassaresi 2 (1902) 147; *sulla compensatio mutuorum legatorum (Sassari 1903) 53 sq Kr Suman Favor testamenti 56 n 2 Levy SZ 37 (1916) 67 n 7 Perozzi Ist^{2} 2, 553 **ca** Bonfante Ist^{8} 583 n 1
[salva — *fin*] Mancaleoni ll cc Levy l c Kr Biondi compensazione 448 (estr 288) Perozzi l c **ca** Bonfante l c David heredis inst 26 sq

81 (80) [capax (hereditatis) (legati)] Tumedei Distinz postclass 61 n

82 (81) pr [vel etiam] Mo Kr Pringsheim SZ 42 (1921) 659 n 2 ⟨sed etiam⟩ Fadda Dig Mil
§ 1 [$\overline{pp}$ § 1] Beseler Stud Bonfante 2, 72
[plane — *fin*] gl De Francisci Synall 1, 139

84 (83) pr [aut — constitutio] (?) Wlassak Krit Stud 111 n 9
[libertatem] ⟨civitatem⟩ Schulz SZ 48 (1928) 206 n 2
§ 1 pluribusve ⟨minoribus XXX annorum⟩; [ad libertatem perveniat]; [eique] ⟨ei⟩ Schulz SZ 48 (1928) 206 n 2
[idem — fuerit] Faber coni 18, 13 Buckland slavery 509 n 7 Kr Suppl
[igitur — *fin*] π Beseler SZ 45 (1925) 454; Subsiciva 10

85 (84) pr pr ⟨—⟩ Tumedei Riv It sc giur 64 (1920) 110 sq
[$\overline{pp}$ et humanius — libertatem] HKrüger SZ 19 (1898) 36
[et humanius — libertatem] Albertario SZ 32 (1911) 314 sq Guarneri Citati obbl indivis 1, 137 n 1 Kr Suppl Bonfante corso 1, 177 n 5
§§ 1, 2 [$\overline{pp}$ idem probandum — ab aliquo] Albertario SZ 32 (1911) 315
[si — idem]; [ab aliquo — extorquere] Tumedei Riv It sc giur 64 (1920) 110 sq
[nam — extorquere] Albertario l c De Francisci Synall 1, 139 Kr Suppl Perozzi Ist^{2} 1, 265 n 1 Levet bénéfice 201 n 153 *dubitat* Lotmar SZ 33 (1912) 310 n 3

87 (86) pr [pr] Beseler SZ 45 (1925) 260 sq
[$\overline{pp}$ pr] Bes 3, 153 cf Perozzi Ist^{2} 2, 622 n 5

D de heredibus instituendis 28, 5

87 § 1 [non ab — subiungetur]; [sed et]; ⟨causa cognita⟩ ius; [non] Beseler SZ 45 (1925) 260 sq

89 (88) [cum libertate] ⟨minor XXX annorum⟩ Schulz SZ 48 (1928) 205

91 (90) [aliunde — igitur] Bes 3, 107 Kr Suppl

92 (91) [calumnia] ⟨enim calumnandi⟩ *sec* Paul Sent 5, 12, 8 Gradenwitz Itpp 226

93 (92) [$\overline{pp}$ 93] π ⟨pp —⟩ (?) Schulz Gedächtnisschr Seckel 100
[$\overline{pp}$ quia heredes — potui] Schulz l c *genuin* Riccobono SZ 47 (1927) 98
[mihi contingere] Beseler Stud Bonfante 2, 73
[potui] ⟨potuit⟩ Scialoja Dig Mil volui [habere]; contingere ⟨habere⟩ Hal Bes 4, 142
[imperatores nostros] ⟨imperatori nostro⟩ (?) Scialoja Dig Mil suscepta ⟨—⟩; [licet — *fin*] Beseler Stud Bonfante l c
[modus — solet] ⟨falsa causa non soleat⟩ (?) Schulz l c
[licet — tamen] Bes 4 l c Beseler SZ 47 (1927) 374 n 1

D de vulgari et pupillari substitutione 28, 6

1 § 1 substitutio [duplex] Mo **ca** Kantorowicz SZ 30 (1909) 224 sq cf PKrüger Festg Bergbohm 6
esto ⟨duplex veluti filius mihi heres esto⟩ Mommsen jur Schr 2, 118

2 pr [donec — duodecim] Lenel 2469; Straßb Festg Jhering 28 n 2 Kr Guarneri Citati obbl indivis 1, 234 n 2 La Pira Stud Bonfante 3, 320
[vel adrogaverit] Bergman Adoptionsrecht 117 n 1
§ 1 [ceterum — evanescat] (?) [plane — *fin*] Vassalli misc crit 1, 31
§ 2 [§ 2] Beseler SZ 46 (1926) 274 Vassalli l c sq
[ceterum — *fin*] Frese Stud Bonfante 4, 448 n 221
§ 4 [licet — hereditates] (?) La Pira l c 306

3 quisquis mihi ⟨ex supra scriptis⟩; [placuit — itaque] Beseler SZ 43 (1922) 548
[hereditatem] ⟨heredes⟩ Bonfante Dig Mil
[si servus — *fin*] Beseler l c

4 pr [divi] ⟨divorum⟩ Mommsen jur Schr 2, 162 Beseler SZ 47 (1927) 59

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4 § 1 [quod — nam] ⟨item⟩ Beseler SZ 47 (1927) 59

§ 2 sed ⟨et⟩; [vulgarem tantummodo] ⟨utrumque⟩ casum ⟨alterius⟩; [constituit] ⟨constituerunt⟩ (Mo); [incongruens — *fin*] Beseler SZ 47 (1927) 59
[ut si — *fin*] Faber error 32, 10
[ita enim — *fin*] Perozzi Ist² 2, 566 n 5

5 [alteram] ⟨caducam⟩ Rudorff ZGRW 6 (1828) 405 Lenel 450

6 [$\overline{pp}$ 6] Beseler Stud Bonfante 2, 79

8 [$\overline{pp}$ 8] ⟨—⟩ Beseler SZ 43 (1922) 548
[sive Seius — substitutus]; [id est — erit]; [cui similis — *fin*] Tumedei separazione 31 n

9 [$\overline{pp}$ 9] Pernice Labeo 1, 72 et n 18

10 pr [nec quicquam — *fin*] Beseler SZ 43 (1922) 548

§ 5 [neque — possit] La Pira Stud Bonfante 3, 299 n 32

§§ 5—6 [$\overline{pp}$ §§ 5—6] Beseler Subsiciva 5

§ 6 [nisi — habeat] (?); [Scaevola — rationem] (?) Bergman Adoptionsrecht 88 n 1

§ 7 [$\overline{pp}$ § 7] ⟨—⟩ Tumedei Riv It sc giur 63 (1919) 85 n 1
si Stichus, si Titius [heres — erit] ⟨ita non creverit⟩ Lenel 2456 Solazzi Stud Pavia 5, 5 (1919) 17 Kr Nov Suppl

11 si [is qui] ⟨Latinus Iunianus⟩; [est] filio; decessit ⟨vel intra diem cretionis⟩ Schulz SZ 35 (1914) 118 n Kr Suppl
decessit ⟨licet antea non posset⟩ *vel sim* Bonfante Dig Mil

12 [si]; [hereditatem — *fin*] π ⟨altera hereditate se abstinere alteram retinere potest⟩ Beseler SZ 47 (1927) 70 sq **ca** π Beseler Subsiciva 10
[iustius — hereditate removere] Tumedei separazione 26 n Perozzi Ist² 2, 567 n 5
[etenim — removere] La Pira Stud Bonfante 3, 332. 335
[iustius — concesserit]; [praesertim — hereditatem] Donatuti Ann Perug 33 (1921) 399 (estr 20)

15 [filio] ⟨filiorum⟩ Scialoja Bonfante Dig Mil

16 pr iusserit ⟨mortuo pupillo⟩ Tumedei Riv It sc giur 63 (1919) 81 n
[in legato] gl Bonfante Dig Mil

18 pr [non nec — heres] ⟨necessarius non fit⟩ Tumedei Riv It sc giur 64 (1920) 89

D de vulgari et pupillari substitutione 28, 6

18 pr [quod — consequi] Lenel (?) 2546 Di Marzo decis 30 Mitteis (?) Arch Papyr 3 (1906) 255 n 1 Bortolucci Bull 20 (1908) 34 sq Scialoja dir ered 270 n 1 Tumedei l c 89 sq n 1 Levet bénéfice 39 n 88 Guarneri Citati obbl indivis 1, 38 n 3; 1, 137 n 1 a VJR 1, 294, 29. 932, 19 (?); 3, 79, 4 (?). 83, 11 (?); 5, 10, 8 (?) *alii*
[aequitatis ratio] Scialoja l c

23 [quoniam — *fin*] Beseler SZ 43 (1922) 548

24 [plerumque]; [nisi — *fin*] Eisele SZ 13 (1892) 153 sq Seckel s v nisi 368 Tumedei Riv It sc giur 63 (1919) 99 n Kr VJR (?) 4, 148, 50. 150, 27

26 [post mortem natus erit] π Rechnitz Julian 52

28 [non solum]; [sed — pervenissent]; [et] ⟨si⟩ is; [pertinet — pervenisset] ⟨non pertinebit⟩; [non incommode — pertinere] ⟨hereditas filii ex lege Cornelia ad adgnatum proximum pertinebit⟩; [pertinet] ⟨pertinebit⟩ Beseler SZ 45 (1925) 202 sq

29 [et — decedant] gl (?) Lenel 181

30 [$\overline{pp}$ 30] Rechnitz Julian 69. 80 [$\overline{pp}$ 30 *i f*] Cuiac 6, 435 A = Jul Dig 78 adhl Tumedei Riv It sc giur 63 (1919) 99 n
[respondi — et idcirco] ⟨respondit⟩ Beseler SZ 45 (1925) 472

31 pr *genuin* Rechnitz Julian 64. 82

§ 1 *genuin* Rechnitz Julian 27

32 [qui complures — adiecit] Solazzi Stud Pavia 5, 5 (1919) 15
[si Attius — adierit] Beseler SZ 43 (1922) 548
[adierit] ⟨creverit⟩; [adisset] ⟨crevisset⟩ Lenel 883 Pampaloni Riv It sc giur 52 (1912) 142 sqq
[respondi] ⟨respondit⟩ HKrüger exc doli 1, 211 n Pampaloni l c
[quod — *fin*] Beseler l c
'dixit' *genuin* Pampaloni l c

33 § 1 [omnimodo — non fuerit] De Medio Arch giur 68 (1902) 205 Kr Guarneri Citati obbl indivis 1, 76 sq n 3 VJR 4, 14, 10. 100, 52 (?). 223, 32 (?) La Pira Stud Bonfante 3, 280 n 11

35 [praeter — quod] ⟨legata propter ea quae⟩ Scialoja Dig Mil
[sic et — *fin*] De Medio Arch giur 68 (1902) 225 sq

36 'non erit ille heres' *scr* Mommsen jur Schr 2, 118

D de vulgari et pupillari substitutione 28, 6

36 restituere ⟨hereditatem repudiaverit, mox⟩ Beseler Stud Bonfante 2, 79

38 § 3 [ex] ⟨Pegasiano a⟩ Lenel 1895 ⟨senatus consulto⟩ Beseler Stud Bonfante 2, 79
[fideicommissario]; [ut — libertates]; [oportere] Beseler l c
[Quintus Cervidius] gl Lenel l c Kr Seckel s v Scaevola 528 VJR (?) 4, 277, 11 T Beseler l c
Scaevola ⟨ait⟩ [noster — testamenti] Beseler l c

39 § 1 [veluti — *fin*] Eisele SZ 13 (1892) 141 Kr Guarneri Citati obbl indivis 1, 50 sq n 1 VJR (?) 4, 311, 24

§ 2 [quattuor] ⟨tres⟩ Beseler SZ 43 (1922) 548

40 [si — impuberi] Bergman Adoptionsrecht 86 sq n 1

41 § 2 ⟨non solum cum filio sed etiam⟩ cum filiae Cuiac 4, 1064 B–E = Pap resp 6 adhl

§ 3 [nec fideicommisso — *fin*] Bes 2, 43 Beseler (?) SZ 43 (1922) 548
[quae ita — et ideo]; [citra — rationem] Beseler SZ l c

§ 4 [quibus — *fin*] Beseler SZ 43 (1922) 548

§ 5 [quod — *fin*] Albertario a° de universitate 35 sq Kr Nov Suppl (?)

§ 6 [coheres] ⟨heres⟩ impuberi Huschke ZfZuPr NF 6 (1849) 400
⟨filio ante patrem mortuo⟩ legata [e]; [alio substituto — nam et] ⟨si filius patri heres exstiterit et impubes decesserit⟩; cum [legatum] ⟨res per vindicationem⟩ Beseler SZ 47 (1927) 71

§ 8 *genuin* David heredis inst 4
[hereditatem] ⟨possessionem⟩ Ciapessoni Stud Bonfante 3, 722 n 269

42 [reliquerat] ⟨instituit⟩; [simul perierunt] ⟨decesserunt: post mortem eius, qui posterior obiit⟩; [sed si — *fin*] Beseler SZ 47 (1927) 71

43 pr [beneficia — igitur etiam] (?); [quia — heredem] (?); [nec interest — *fin*] (?) Bes 3, 51 sq
[circa — factionem] Bes 3, 51

§ 1 [omne — pubertas est] magis [autem] Beseler SZ 43 (1922) 548
[nisi — *fin*] Kr VJR (?) 4, 146, 12 Stoll SZ 44 (1924) 12 n 5

§ 3 [ita ut — substitutione]; [licet — auferuntur]; scriptus [esset] ⟨est⟩ [satis — leges]; [cui — *fin*] Bes 3, 133 Kr Suppl

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43 § 3 [quantum] ⟨quantam⟩ (?) Scialoja Dig Mil

44 inscr [decimo] ⟨undecimo⟩ Lenel 1370
[neque ex — totum] gl Pringsheim Kauf 152 n 4

45 pr [Titianus] Beseler SZ 43 (1922) 548; 47 (1927) 59
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[ad primum — pubertatem]; [et ideo] Beseler l c 548
[primum] ⟨utrumque⟩ casum [non existentium heredum]; [quaeritur] ⟨quaereretur⟩; [non ad — *fin*] Beseler l c 59

46 [defuncti — est] Beseler SZ 43 (1922) 548
[institutus vel] Scialoja Dig Mil
[vel substitutus] Hal gl (?) Lenel 1552

48 pr [et verius est] Kr

§ 1 [$\overline{pp}$ § 1] Bonfante Dig Mil Bes 4, 204. 215 Tumedei Riv It sc giur 63 (1919) 80 sq Beseler SZ 44 (1924) 359
[facit — nec] ⟨agitur substitutione, ut causa⟩ mutata ⟨non?⟩ Bes 2, 58
[secundum — heresque esto] Bes 3, 160
[cum — videtur] Bes 2, 87; 3, 160

§ 2 [iste — substitutione]; [universum] Bes 3, 133
[substitutum universum] ⟨statutam libertatem⟩ Scialoja Dig Mil
[universum] ⟨sibi servum⟩ Mo La Pira (?) Stud Bonfante 3, 306
[ut] ⟨et⟩; [sit et] Bes l c

D de condicionibus institutionum 28, 7

1 [$\overline{pp}$ 1] Scialoja Bull 14 (1901) 25

2 pr [quatenus — ipsius est]; [vero]; [non] defecisse Tumedei Riv It sc giur 64 (1920) 72. 73 n 1
[nisi — *fin*] Eisele SZ 10 (1889) 317 Lenel 2473 Kr HKrüger Arch lat Lex 10 (1898) 252 Seckel s v nisi 368 VJR (?) 1, 244, 6. 245, 5. 876, 21. 885, 22; 2, 617, 41; 3, 179, 30. 219, 15; 4, 148, 27 Riccobono SZ 34 (1913) 244 Tumedei l c

3 [$\overline{pp}$ 3] ⟨?⟩ Riccobono Mél Cornil 2, 344 n 1

4 § 1 [$\overline{pp}$ caventem — condicionem] H Krüger Mél Girard 2, 32
[caventem — scriptus sit] ⟨non⟩ sub; videri ⟨quia ante mortem eius servus decedere possit⟩ Beseler SZ 47 (1927) 61

D de condicionibus institutionum 28, 7

7 [$\overline{pp}$ 7] Scialoja Bull 14 (1901) 24 n 1 De Ruggiero Bull 16 (1903) 168 n 2 [placet] Bremer iurispr antehadr 2, 1, 393 Kr Suppl

8 pr [pr] ⟨*verba edicti*⟩ Bes 4, 142 sq Kr Nov Suppl gl Pringsheim Festschr Lenel 267 *π* Lenel EP[3] 362 n 7 (§ 166) **ca** 'a praetore reprobantur' *genuin* Messina Vitrano Ann Perug 33 (1921) 666 (estr 86)
[$\overline{pp}$ pr] Pernice Labeo 3, 1, 49 sqq De Ruggiero Bull 16 (1903) 178 n 2 Kr VJR (?) 4, 261, 21. 320, 49 Messina Vitrano l c 607 sq (estr 27 sq) cf Rabel SZ 46 (1926) 408

§ 2 [eapropter — *fin*] Bes 3, 107; 4, 143 sq Kr Suppl

§ 3 [§ 3] Bes 3, 107; 4, 143 sq **ca** Messina Vitrano l c 600 (estr 20) Rabel l c Vassalli Stud Cagliari 8 (1916) 242 n 2

§ 4 [huic — et] Bes 4, 143 sq Messina Vitrano Ann Perug 33 (1921) 666 (estr 86)
[licet — habeat] Bes l c

§ 5 [hoc — numquid] Bes 4, 143 sq Messina Vitrano Ann Perug l c
[quia — *fin*] Bes l c

§ 6 [quod — est] Bes 4, 143 sq

§ 7 [$\overline{pp}$ § 7] Vassalli Bull 27 (1914) 194 n 1 VJR (?) 1, 883, 47. 884, 13; 3, 126, 13. 130, 42
condicione ⟨si non iuraverit⟩; [heres — *fin*] Bes 4, 143 sq
[heres institutus — aut] ⟨legatum est⟩; [non videtur — *fin*] Pernice Labeo 3, 1, 28 n 2, 3. 32 n 1. 291 Kr Bes 2, 120

§ 8 a praetore [iusiurandum] Suman Fil 42 (1917) 42
[nec — remittendum] ⟨—⟩ [et — *fin*] Bes 4, 143 sq

10 pr [in quovis — condicionalis institutio] nec ⟨enim⟩; [quod interdictum est] Bes 2, 58 Beseler SZ 43 (1922) 437
[condicionalis — institutio] gl Mo Lenel 147 Kr Beseler ll cc
data [esset] ⟨est codicillis confirmari⟩ Bes ll cc
scripsero ⟨ex cognatis meis qui nunc sunt⟩; [nullo iure impediente] Beseler SZ 43 (1922) 437

11 [$\overline{pp}$ 11] Vassalli Bull 27 (1914) 194 sq n 1
[erit — condicione] ⟨filius heres erit quasi condicio expleta esset (?)⟩ Rechnitz Julian 58 **ca** Fraenkel SZ 47 (1927) 411

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13 [$\overline{pp}$ 13] Wlassak SZ 31 (1910) 276 n 3 [vel legatum]; [neque] hereditas [neque legatum] aliter adquiri ⟨non⟩; condicionem [id — *fin*] ⟨creverit aut pro herede gesserit⟩ Beseler SZ 43 (1922) 548

14 [$\overline{pp}$ 14] ⟨—⟩ Messina Vitrano Ann Perug 33 (1921) 663 (estr 83)

15 [$\overline{pp}$ 15] Ferrini legati 706 Solazzi Rend Lomb 54 (1921) 183 sq n 6
⟨—⟩ testamentum Kr
[nam — *fin*] Suman condizioni turpi 9 n 1 = Fil 42 (1917) 48 n 1 Perozzi Ist[2] 1, 85 n 1; 2, 605 n 2
[facta]; [et, ut — fiunt] Messina Vitrano Ann Perug 33 (1921) 629. 654 (estr 49. 54) Rabel SZ 46 (1926) 469

16 [si Titius — institutionem] ⟨si Titius heres erit, Seius heres esto Julianus⟩ possit ⟨—⟩ Beseler SZ 47 (1927) 61

18 [condicionem] ⟨libertatem⟩ Scialoja Dig Mil Ot Sommer SZ 34 (1913) 399

20 pr [dote promissam] ⟨dotis dictione⟩ Beseler SZ 47 (1927) 62 sq
[promissam] ⟨dictam⟩; [promisisset] ⟨dixisset⟩ Bremer iurispr antehadr 2, 1, 64 Lenel Jav 169 ⟨dixisset vir⟩ Beseler l c
[promissam]; [promisisset] Suman Favor testamenti 110 n 1 Kr
[puto] ⟨putavit⟩; quod ex [dote] ⟨dotis dictione⟩; [statim eum] ⟨ceteris heredibus vel quibusdam ex eis moram facientibus⟩; ⟨eum⟩ futurum Beseler l c
[quod — *fin*] (?) Scialoja Bull 14 (1901) 24
[in tali — puto]; accipienda [est] ⟨esset⟩ Beseler l c

20 § 1 [sed — *fin*] Buckland slavery 72 n 4. 558 Beseler SZ 43 (1922) 420; 47 (1927) 62 sq

§ 2 [dummodo — *fin*] Beseler SZ 47 (1927) 62 sq

23 [$\overline{pp}$ 23] Riccobono Mél Cornil 2, 344 n 1 ⟨$\overline{pp}$ 23⟩ Kalb Jber klass Alt 109 (1901) 58
[aut nubit — nubere] Eisele SZ 18 (1897) 26 VJR (?) 4, 224, 36. 301, 35 Kr
[uxorem — noluerit] Eisele l c VJR (?) 4, 167, 20. 168, 1. 301, 35
[non quia — noluerit] Kr Vassalli Bull 27 (1914) 194 n 1
[plerumque — *fin*] Eisele l c Kr Vassalli l c

D de condicionibus institutionum 28, 7

24 [ambo — venientes] Eisele SZ 18 (1897) 27 n 1 Kr

25 [non] Cuiac 7, 951 C = comm Dig 28, 7, 12 *alii* **ca** *genuin* Albertario Fil 36 (1911) 229 sqq

27 pr [$\overline{pp}$ pr] De Ruggiero Bull 16 (1903) 172

[expellendus — hereditate] Eisele SZ 18 (1897) 30 Kr De Francisci Rend Lomb 48 (1915) 301 Messina Vitrano Ann Perug 33 (1921) 659 sqq (estr 79 sqq)

[laudandus — *fin*] Messina Vitrano l c

[laudandus — tradidit] Riccobono Riv dir civ 3 (1911) 44 Kr

[sed hoc — *fin*] Eisele l c Scialoja Bull 14 (1901) 36 n 3 De Francisci l c Kr Bes 3, 107 Beseler SZ 43 (1922) 535 VJR (?) 1, 851, 33; 3, 92, 13. 113, 25. 154, 1. 179, 4. 238, 4. 252, 41; 4, 48, 15. 116, 40. 313, 2; 5, 13, 1

§ 1 [porro — *fin*] Bes 2, 10; 4, 205 Kr Suppl

28 [si filius — intersit] ⟨multum interest⟩; [quae condicio nomine — potest]; ⟨non⟩ admittit [vivo filio]; [qui haberet] ⟨cum filius⟩ Beseler SZ 45 (1925) 261

[quae condicio — potest] Frese Stud Bonfante 4, 446 n 214

[Servius — ideoque] Beseler l c; SZ 45 (1925) 472

moriente eo ⟨et institutionis condicionem defecisse et⟩ Beseler l c 472

[vivo] ⟨mortuo⟩ filio [non] Beseler l c 261

[$\overline{pp}$ quemadmodum — *fin*] Cuiać 4, 345 E = Pap quaest 13 adhl **ca** Francke Noterben 54 n 19 Mühlenbruch Glück Pand 36, 376

D de iure deliberandi 28, 8

3 [datum] ⟨dandum⟩ HKrüger Herstellg 161 n 3

4 [4] HKrüger Herstellg 162 n 1

5 inscr [septuagesimo] ⟨sexagesimo⟩ Lenel 1397; EP[3] 417 n 3 (§ 208) Cuiac 7, 955 B = comm Dig adhl Kr

§ 1 [iustis pretiis] Albertario Bull 31 (1921) 7 sq Kr Nov Suppl

[item — fiant] Mommsen Dig ed mai Lenel 1397

6 [quod — *fin* ?] Seckel s v provocare 474

[aut — provocent] Beseler SZ 43 (1922) 549

7 pr [et — sit] gl Gradenwitz (?) SZ 8 (1887) 257 Kr Lenel EP[3] 419. 419 n 8 (§ 209. 210) Solazzi Mem Lincei 318 (1921) ser 5 vol 16 p 556

[si iusta — videbitur]; [interea]; [nisi si]; [boni — arbitratu] ⟨quodsi iusta causa esse videbitur boni viri arbitratu satis dare (?) et deminuere permittam⟩ Pernice SZ 14 (1893) 144 n 2 Kr

[et hoc] ⟨dabo si⟩ datum [sit] ⟨erit⟩ [si — videbitur]; [boni — arbitratu] Kniep Gaius 229

[si iusta — videbitur] Lenel EP[3] 419. 419 n 8 (§ 209. 210) Solazzi l c; ist tut 237 n 3

nisi [si] Lenel l c Solazzi Mem Lincei l c **ca** Kniep Gaius 229

§ 3 [§ 3] Donatuti Ann Perug 33 (1921) 430 (estr 51)

8 [ut ex — venierint] Lautner Festschr Hanausek 59

11 [nullus] ⟨meus heres⟩; [qui] ⟨et ante morietur, quam⟩; Dama servus ⟨meus⟩ liber ⟨et heres⟩; [is — erat] quaerebatur, si ⟨libertinus patri heres exstitisset et intra pubertatem decessisset, an⟩; [negat] ⟨negabat⟩; [quoque] ⟨non⟩; [Trebatii – *fin*] Beseler SZ 47 (1927) 371

[si tamen — *fin*] Bremer iurispr antehadr 2, 2, 422 Kr Seckel (?) s v tamen 578 VJR (?) 3, 172, 23

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ED.

GERHARD VON BESELER

D de testamento militis 29,1

1 pr faciant igitur *rell genuin* Buckland Yale Law Journal 33 (1923/24) 362

§ 1 [ductum — tagmate] gl Mo Lenel 1178

2 [quod —] von Velsen SZ 21, 145; Beitr 107 n 5 **ca** Kalb Jber klass Alt 109, 43 Lenel EP² 342 n 9
[2] π Lenel EP³ 354 n 13

3 [sed cur — probet]; [nec — casus] Guarneri misc eseg 17 Perozzi Ist² 2, 534 n 0
testaretur, ⟨intestatum eum decessisse Pomponius putat, et ita⟩ [—] etiam divus Beseler Tijdschrift 1930, 214
[3] (?) Cuq manuel 769 n 1

4 [pp 4] Riccobono SZ 43, 386

6 [pro parte intestatus] (?) Bes 3, 16

7 [vel — praegnas] Lenel 2504

8 [pp 8] Scialoja Bull 8, 164 n 2
[adrogaverit] ⟨adoptaverit⟩ Bergman Adoptionsrecht 113 **ca** Peters SZ 33, 586

9 § 1 [si —] Lenel 2504 Bonfante Glück ital 29, 1, 56 n Arangio-Ruiz Bull 18, 162 n 0 Biondi convalidazione d codicillo 15 n 2 Kr VJR 3, 203, 22

11 pr [Ex — nam] Albertario delictum 44

13 § 2 [fere]; [et generaliter —] Bonfante Glück ital 29, 1, 52 n p; Ist³ (1902) 506 n 1; Ist⁸ 568 n 2 Schulz SZ 35 (1914) 127 Kr Suppl
[testamenti factionem] ⟨civitatem⟩ Arangio-Ruiz Bull 18, 195
[fere]; [sed si mortis —] Biondi convalidazione d codicillo 8. 12 cf Kr Perozzi Ist² 2, 533 n 2
[pp] VJR 5, 406, 1 **ca** *genuin*? Scialoja dir ered 330 n 1

14 [et placet —] Faber coni 18, 13 Kr De Francisci Bull 27, 34 Pringsheim SZ 41, 253; Festschr Lenel 229 Guarneri obbl indiv 1, 77 n VJR 4, 133, 41; 4, 252, 49; 5, 560, 14
[indulgendum —] Suman Favor testamenti 224 n 1

15 pr [— creditorum] ⟨minorum XXX annorum⟩ Schulz SZ 48, 206 **ca** Beseler SZ 50, 18

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15 **§ 1** [et ideo —] Beseler SZ 45, 472

§ 2 [si militis — sit] Biondi convalidazione d codicillo 15 n 2 Kr Suppl Stoll SZ 44, 12 n 5

§ 4 [vel ex —] Beseler SZ 43, 549

§ 6 [quia —] Beseler l c

17 pr [perindeque —] Arangio-Ruiz Bull 18, 161 n Perozzi Ist² 2, 552 n 2 **ca** David heredis inst 32 sq
[resque —] Ciapessoni Stud Bonfante 3, 723 n 276

§ 1 [solvere] ⟨cedere⟩ Naber Mnem 1897, 23 n 2

§ 2 [exheredatione] Naber Mnem 50, 21
[sola exheredatione] gl Beseler SZ 43, 536

§ 4 [ideoque] ⟨—⟩ Beseler SZ 45, 472

18 § 1 [quae codicillis data sunt] gl Lenel 66

§§ 1, 2 [—] Beseler SZ 43, 549

19 pr [si hoc specialiter expresserit] Faber coni 10, 18 Fadda concetti dir ered 1, 328 Kr et Suppl
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§ 1 [nisi —] Faber error 71, 3 Bonfante Glück ital 29, 1, 75; 29, 2, 497; Ist³ 531 n 3 Kr VJR 4, 146, 2

§ 2 [nisi —] Bonfante Glück ital 29, 1, 75; Ist³ 531 n 3 Kr VJR 4, 146, 39

20 pr [manens — haberi] ⟨—⟩ Rechnitz Julian 82

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[quod si —] gl Biondi convalidazione d codicillo 16 n 0

21 [—] (?) De Medio Arch giur 68, 218
[quantum — eius]; [dumtaxat]; [id beneficium]; [secundum quod] ⟨itaque⟩; [aut ceteros] Beseler SZ 43, 549

22 [—] si ⟨miles⟩; [vel emancipatus — suo], ⟨irritum fit testamentum quod antea fecerat. sed si post capitis deminutionem illud resignaverit⟩ Coli saggi crit 1, 20

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22 [$\overline{pp}$] Bonfante corso 1, 127 n 4
23 [si vero —] Coli saggi crit 1, 21
24 [alioquin —] Beseler Tijdschrift 1930, 206
25 [factum] gl Lenel 283
[nisi — vellet] Bonfante Glück ital 29, 1, 56 n n Arangio-Ruiz Bull 18, 162 n 0 Kr et Suppl Biondi convalidazione d codicillo 15 n 2 Beseler SZ 51, 60
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29 § 1 [aliqua] ⟨Fufia Caninia⟩ Rotondi Scr giur 3, 472
§ 3 [eius — ipse] ⟨filii militis⟩ Solazzi Athenaeum 1927, 108
33 § 2 [Secundum quae] Bes 3, 160
34 § 1 [alioquin —] (?) Bes 3, 52
§ 2 [—] Bes 3, 52 Albertario sulla revoca tacita *etc* estr Stud Pavia 1919, 21 n 4 Pringsheim Festschr Lenel 229
36 pr [ad — factis]; [communiter debentur] ⟨pro partibus dimidiis valebunt⟩ Beseler SZ 50, 28
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§ 2 [ob improvisum casum]; [cum — fuerit] Bes 4, 31 Beseler l c
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37 [nisi —] Bonfante Glück ital 29, 1, 69 n 9; corso 6, 271 n 1 Kr VJR 3, 242, 21; 4, 158, 6; 5, 442, 14
38 pr exstiterit ⟨. itaque⟩; [. et ideo] si heredi filio ⟨puberi⟩; [sufficit —] Beseler SZ 45, 472
§ 1 [sed humanius — militiae] HKrüger SZ 19, 35 Berger Grünh Z 40, 315 Kr VJR 3, 278, 52 Ratti Riv It sc giur 1927, 54 et 60 **ca** Samter Nichtförml Gerichtsverf 60 sqq Rabel Grundz 408 n 3
39 [similiter] testamentum [patris] Beseler SZ 43, 549
[quaeramus]; [an —] ⟨testamentum rumpitur⟩ Beseler SZ 45, 203; Tijdschrift 1930, 176
[$\overline{pp}$] Ratti Riv It sc giur 1927, 18
40 pr [ita —] Faber coni 15, 19 Gradenwitz Itpp 204 Arangio-Ruiz Bull 18, 162 n 0 Bes 2, 10 Riccobono SZ 34 (1913) 243 n 3 Kr et Suppl
[et quo modo possunt] Bes 2, 10 Guarneri misc eseg 20 **ca** Pringsheim Kauf 149 n 3 Buckland Yale Law Journal 33 (1923/24) 362
§ 2 [cum ex priore —] Bes 3, 63 Beseler SZ 43, 549 Kr Suppl

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40 § 2 [intellegendum — manumitteret]; [nullo — facto] Tumedei Riv It sc giur 63, 79 n 1
41 pr [et quia —] Beseler Tijdschrift 1930, 176
41 § 3 [vel — praeterierit] Beseler SZ 43, 549
44 [gradus] ⟨condicionis⟩ Arangio-Ruiz Bull 18, 160 n 2 Solazzi note esegetico-critiche estr Arch giur 1928, 8
[Rescripta — ostendunt]; [testari] ⟨testabuntur⟩ Solazzi l c

D de adquirenda vel omittenda hereditate 29, 2

1 [adire] ⟨cernere⟩ Lévy-Bruhl NRH 38, 176 n 2 **ca** Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 18 n 1
[scindendo] ⟨cernendo⟩ Solazzi l c
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2 [$\overline{pp}$] De Francisci Bull 22, 178 sq Perozzi Ist^{2} 2, 561 n 3
5 pr [$\overline{pp}$ pr] Riccobono SZ 43 (1922) 386
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6 pr [ne —] Bes 3, 16
§ 1 [citra voluntatem] Bes 2, 43 Kr Suppl
§ 2 [$\overline{pp}$] Solazzi l c 21 n 1
[legitima] (?) Beseler Bemerkungen zu Z 1927 (1927) 4 sq
§ 4 filium familias, ⟨cum non esset,⟩ patris iussu [adierit] ⟨creverit⟩; [quamquam] ⟨cui consequens est, ut⟩; patre ⟨ignorans mortuum⟩; nam ⟨nec⟩; [morte patris factus] (?); [magis admittit] ⟨recte putat⟩ Beseler SZ 44, 363. 391
§ 5 [aditione] ⟨cretione⟩; [aditione] ⟨cretione⟩ VJR 1, 222, 16 **ca** Solazzi l c 18
§ 7 [adierit] ⟨creverit⟩ (?) Schloßmann diss Breslau 1874 12; Zwang 45 n 64
[$\overline{pp}$] Ferrini Pand 220 n 1 Fadda concetti dir ered § 401 Bonfante Glück ital 29 § 1492 n 63 t; corso 6, 198 sq
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7 pr *genuin* Segrè Gazz giurid meridion 1901 196 c 2 n 1
[iste — familias] gl Kr Bes 3, 133

8 pr [pupilla] ⟨mulier⟩ Kr Taubenschlag Vorm 47 n 1 Tumedei Distinz postclass 61 n Solazzi tutela 1, 23
[de —] Tumedei l c

§ 1 [licet — fuerit] Tumedei l c 60 n Beseler Tijdschrift 1930, 209

9 [decernere] ⟨cernere⟩ (?) Kalb JL 14 cf Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 25 n 2
[huius — ut]; [quamvis — furiosus]; [hoc —] Tumedei l c 22
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[quamvis — furiosus] Solazzi Arch giur 94 (1925) 75 sqq; tutela 2, 32 n 1

13 pr qui ⟨sine cretione⟩ Lenel 2479 Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 18 n 5; concorso 1, 547 n 6
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15 [nam —] Lotmar Münchener Festg Planck 112 sqq

17 § 1 sed si quasi legitimus repudiav⟨er⟩it [—] ei repudiatio ⟨non⟩ Solazzi concorso 1, 548

20 pr [pro herede autem — animi]; [ceterum —] Vassalli misc crit 2, 33 n 1
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[patrem sepelivit vel] ⟨patri⟩ iusta [ei] fecit Riccobono Riv dir civ 3, 44 n 1
[— gessisse.] servos Taubenschlag SZ 38, 258 n 5 Pringsheim SZ 42, 316. 317 sq. 319 Beseler SZ 45, 472
[aut dum deliberat quid fecit]; [si forte — gerere]; [vel si — sed]; [quia —] Pringsheim l c 317 Kr Nov Suppl Beseler l c cf Perozzi Ist^2 318 n 1
[—] Beseler Tijdschrift 1930, 185

D de adquirenda vel omittenda hereditate 29, 2

20 **§ 2** [etiam]; [et —] Biondi Iudicium operarum estr Ann Perug 1914 18 Bonfante corso 6, 115 n 3 (116 n)
[creditoribus] ⟨non heredibus⟩ Kr Suppl

§ 3 [quae —] HKrüger SZ 19, 30 Pringsheim SZ 42, 316 Perozzi Ist^2 2, 624 n 1

§ 4 [eum] gessisse; [et coheres adiit]; [is — statulibero]; [cum — facto] statuliber⟨um⟩; iussu[s]⟨m⟩ potuisse ⟨e⟩t; [itaque —] Bes 2, 43 Kr Suppl

21 pr [nam —] (?) Perozzi Ist^1 2, 507 n 1; Ist^2 2, 628 n 0 Schulz SZ 43, 179 n 2 Stoll SZ 44, 12 n 5 Steinwenter Stud Bonfante 2, 425 n 20
[extraneus]; [nam —] Beseler SZ 45, 446; 51, 61

§ 3 [si tamen — substitutus est] Bremer iurispr antehadr 2, 2, 37
ignora[vi]t, Iulianus scribit [—], quod et Cassius probat, [—] posse ⟨eum⟩ Beseler SZ 45, 446

22 [$\overline{pp}$] Beseler Opora 8

24 [et — incidere] Krüger Festschr Bekker 14 Kr VJR 4, 209, 25
[$\overline{pp}$] Beseler Tijdschrift 1928, 283

25 § 1 [$\overline{pp}$] Buckland slavery 275

§ 5 [—] Albertario Procurator unius rei estr Stud Pavia 1921 24 n 0

§ 6 [nominatim] Albertario l c
[—] Vassalli misc crit 1, 32 Kr Suppl

§ 7 [adiit] ⟨crevit⟩ Wissenbach embl 84 Lenel 2491 **ca** Kniep Gai comment 2, 2, 337
filius [adeat] ⟨cernat⟩ Leist bonorum possessio 2, 2, 123 n 13
[aditionem] ⟨cretionem⟩ VJR 1, 222, 17. 34
[adiit] ⟨cernat⟩; [immo —] Kr
[adiit] ⟨cernat⟩; [adisse] ⟨crevisse⟩ Lévy-Bruhl NRH 38, 161 n 3
[adeat] ⟨cernat⟩; [adeat] ⟨cernat⟩; [adisse] ⟨crevisse⟩; [immo —] Solazzi Stud Pavia 5, 5 (1919) (accettaz dell'eredità) estr 19

§ 11 [quod si — aliter]; [nam]; [at — patris] Donatuti Bull 33, 195 sq

30 pr [in provincia agentem]; [eo —] Beseler SZ 50, 44. 75

§ 1 [et in eo — habetur] Albertario alterazioni pregiust D 5, 4, 3 p 9 n 11; Conceptus pro *etc* estr Bull 1923, 33 et 36 Solazzi Note esegetico-critiche estr Arch giur 1928, 21

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30 § 1 [legitimum vel consanguineum] ⟨nepotem ex emancipato filio⟩ (?) Siber röm Priv R 338 n 8
[idemque — *fin*] Bonfante corso 6, 422 n 1
§ 3 [adhuc —] Donatuti Iustus 52 (= Ann Perug 33 (1921) 426) Kr Nov Suppl
[—] Gradenwitz SZ 7, 1. 74 Beseler SZ 50, 54
§ 4 [—] Gradenwitz l c Beseler l c
§ 6 [quod quidem — eveniet] Albertario alterazioni pregiust D 5, 4, 3 p 6 n 0
§ 7 [finge —] Schulz SZ 33, 66 Kr Suppl
34 pr ⟨non⟩ posse; [iam —] ⟨constat⟩ Beseler SZ 44, 392
§ 1 [maxime —] Bes 4, 236
35 pr [adierint] ⟨creverint⟩; ⟨omissa cretione⟩ adeant Lenel 2500
⟨non⟩ adeant; heredes ⟨nihilo minus⟩ Mo
⟨creverit vel⟩ pro herede; [vel servus — adierint] ⟨iussu patris adierit⟩; [emancipatus vel manumissus] ⟨ei emancipato deferatur⟩; [adeant] ⟨hereditas⟩ Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 15 n
[dico] ⟨dicendum est⟩; servus ⟨, qui et institutus est et substitutus,⟩; adieri[n]t; [emancipatus —] ⟨emancipato vel manumisso eo condicio substitutionis extiterit⟩ Bes 4, 145 Perozzi Ist^2 2, 561 n 2 **ca** Berger Z vgl RW 40, 397
§ 1 [condicionem] ⟨cretionem⟩ Lenel l c Kr Nov Suppl Solazzi l c 17
[adire] ⟨cernere⟩ Lenel l c *dubitante* Solazzi l c 17 n 7
§ 2 Sed ⟨et⟩ Lenel l c
[adire] ⟨cernere⟩ Lenel l c *dubitante* Solazzi l c
37 [omne] Bonfante Glück ital 29, 1, 441; Stud Scialoja 540 Pacchioni corso^2 3, 372 n 692
[non — succedit] Bonfante ll cc Longo Bull 15, 295 Scialoja dir ered 82 n 1 De Francisci trasferimento 166. 173 n 3
38 [posteaquam prior abstinuit]; [qui —] Beseler Stud Bonfante 2, 81
40 [$\overline{pp}$] Faber error 32, 3 (= Bull 13, 231) La Pira Stud Bonfante 3, 311 ⟨—⟩ La Pira l c 336. 339
41 [$\overline{pp}$] (?) Bonfante Ist^8 589 n 2 Berger R E 9, 1109 Rechnitz Julian 78 La Pira Stud Bonfante 3, 345 sq
42 pr [$\overline{pp}$ pr] La Pira l c 311. 332 sqq

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42 pr [quae — adibit] Faber error 32, 1
[metu — adibit] Tumedei separazione 27 n
ei fui⟨sse⟩t [—]. quae — Marcello [—] ⟨probatur⟩ Beseler Tijdschrift 1928, 43
§ 3 [nisi — manumiserit] Albertario Rend Lomb 58 (1925) 251 n 3
44 [et ideo — erit] Beseler SZ 45, 472 ⟨$\overline{pp}$⟩ Rechnitz Julian 36
45 § 1 [de dote] ⟨rei uxoriae⟩ Kr
[quamvis] ⟨quia⟩ Berger Philologus 73 (1914) 99
[—] Albertario l c 827
§ 4 [per traditionem] ⟨mancipio⟩ Schloßmann Grünh Z 8, 443 n 11 Gradenwitz SZ 6, 277
[potest —] ⟨—⟩ Beseler SZ 50, 42
46 [$\overline{pp}$] De Medio Arch giur 68, 202 Bes 2, 43
[si quidem —] Albertario contr crit Dig 23 Kr Suppl
47 [$\overline{pp}$] De Medio l c 218 Kr Suppl VJR 4, 154, 23; 317, 25 De Francisci Bull 30, 163 n 1
[negavit] ⟨dixit⟩; [quoniam —] Beseler SZ 44, 389 Perozzi Ist^2 2, 309 n 3 cf 629 n 3
48 [si aestimaverit]; [post]⟨ante⟩quam; [quod —] Beseler SZ 44, 389 Perozzi Ist^2 2, 309 n 3 Beseler Tijdschrift 1930, 167 **ca** Kalinka SZ 47, 325
49 [$\overline{pp}$] Peters SZ 32, 232 Levy SZ 37, 73 n 8 cf Bonfante corso 1, 447 n 1 et Perozzi Ist^2 483 n 3
50 [postea] ⟨servi cretione⟩ Solazzi l c 22 n
51 § 1 [adire] ⟨cernere⟩; [adiit] ⟨crevit⟩; [adisset] ⟨crevisset⟩ Lévy-Bruhl NRH 38, 161 n 4 **ca** Solazzi l c 18
§ 2 adeo ⟨cernoque⟩ Solazzi l c 14 n 1
52 pr [interponere — benivolentiam] Bes 2, 32 **ca** Kalinka SZ 47, 338
[$\overline{pp}$] Solazzi l c 21 n 1
§ 1 [solus], etiam; [nisi —] Bes 2, 59 Kr Suppl
[solus], etiam; [quia —] Solazzi l c 15 n
53 § 1 [id —] gl Haloander Dig adhl Rudorff ZGRW 6, 408 n 1 Kr La Pira Stud Bonfante 3, 310 et n 47 **ca** Beseler SZ 43, 549
exstitit, [— tacite] Beseler l c
55 [et] alterius; [creditores debent] ⟨debet⟩; [ei qui convenitur] ⟨bonorum emptori⟩ Naber Mnem 1897, 292

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55 [si —] Bonfante Glück ital 29, 1, 503 n ma
[a toto —] ⟨tota creditoribus cedat⟩ Beseler Stud Bonfante 2, 81
57 pr ⟨Suis et⟩ Necessariis Perozzi Ist[2] 2, 622 n 1
[de]relinquere Berger derelizione 6
§ 1 [—] gl Solazzi Arch giur 94, 64
59 [nam is — erit] gl Mo cf Bremer iurispr antehadr 2, 2, 316 La Pira Stud Bonfante 3, 309 et n 46
[nam is —] Di Marzo decis 65, 2 Kr Nov Suppl
[sic — etiam]; [nam is —] ⟨—⟩ Bes 4, 144
60 [$\overline{pp}$] Pernice Labeo 1, 87
62 pr [quia — videatur] gl Schulz SZ 43, 179 n 2 Beseler SZ 45, 446; 51, 61
[satis]; [ut heres] Beseler ll cc
§ 1 [non — prioris] Kr
exigi[tur] Bremer iurispr antehadr 2, 1, 186
64 [adire] ⟨cernere⟩; [adierit] ⟨creverit⟩; [adeundo] ⟨cernendo⟩ Lenel 170 *dubitante* Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 14
[$\overline{pp}$] Pernice Labeo 1, 71
65 [si — erit] ⟨si non creverit⟩ Lenel 1620 Solazzi l c 17
68 [nam —] Beseler SZ 43, 549
69 [adire] ⟨cernere⟩ Perozzi Ist[1] 2, 507 n 1; Ist[2] 627 n 1 Solazzi l c 17 n 8
[nec — tempus substituto]; [ergo —] Bes 2, 123; 3, 52 cf Lenel EP[3] 418 n 3 **ca** Mitteis SZ 33, 205 **ca** Bes 3, 3
[adeat] Kr Nov Suppl ⟨cernat⟩ Leist bon poss 2, 2, 126 n 16 **ca** Solazzi l c 16 n 2
70 § 1 [condicio] ⟨cretio⟩; [condicionis] ⟨cretionis⟩ Cuiac 8, 233 E = comm Dig 38, 15 Naber Mnem 1897, 294 Segrè Gazz giur merid 1901, 176, c 1 n 1 **ca** Solazzi concorso 1, 547 n 8
[et ideo —] Solazzi l c 547sq Beseler SZ 45, 472
§ 2 [$\overline{pp}$] Solazzi l c 547sq. 550
71 pr [hoc enim satis impium est]; [quod —] HKrüger SZ 19, 54 Kr Suppl De Francisci Fil 1915, 28 Ratti Riv It sc giur 1927, 13 n 1
[nam — resolvit] Perozzi obbl 108 n 1
[omnimodo] *bis* Betti lit aest 1, 27 n 45
[et in hoc —] Albertario Conceptus pro *etc* estr Bull 1923, 57
puto ⟨non⟩; [nam —] Beseler SZ 43, 420

D de adquirenda vel omittenda hereditate 29, 2

[$\overline{pp}$] Tumedei Riv It sc giur 64, 115
§ 1 [sin —] Baviera Commodum separationis 19 n 1 Kr Suppl Albertario contr crit Dig 24
[$\overline{pp}$] Tumedei Riv It sc giur 64, 111sq
§ 2 [—] Buckland slavery 642 **ca** Lotmar SZ 33 (1912) 309 n 2
§ 8 [$\overline{pp}$] Huvelin furtum 1, 401 n 3
[si igitur —] Pringsheim SZ 42, 283 Albertario animus furandi 20 n 1; Riv dir comm 21, 1 (1923) 499 n
§ 9 [$\overline{pp}$] Beseler SZ 51, 73
72 [adeat] ⟨cernat⟩; [adierit] ⟨creverit⟩; [adiret] ⟨cerneret⟩; [aditionis] ⟨cretionis⟩ Eisele Jher Jb 23, 135; SZ 30, 140 cf Lenel 1072 Kr Lévy-Bruhl NRH 38, 174 n 2 Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 17 Perozzi Ist[2] 540 n 2 Siber röm Priv R 349 (*ubi errore 75 pro 72 scriptum est*)
73 Si [—] patroni — [egens] — velit, [—] ⟨immiscere se bonis paternis non videtur⟩, et — Beseler SZ 50, 54; Tijdschrift 1930, 212
74 § 1 [—] Gradenwitz Itpp 57 Bes 2, 84 cf Kr et Suppl
75 [adiit] ⟨crevit⟩ Lévy-Bruhl l c 176 n 2 **ca** Solazzi l c 18
76 [$\overline{pp}$] Lenel 90 Bonfante Ist[8] 538 n 2 **ca** Solazzi l c 14
[$\overline{pp}$] Beseler Tijdschrift 1930, 167
77 [$\overline{pp}$] Di Marzo Pompon 60sq Solazzi concorso 1, 548
78 [itaque —] Beseler SZ 43, 550; 45, 446 Albertario concetto di ius naturale estr Rend Lomb 1924 177 n 1
[alligasset] ⟨obligasset⟩; [eo consilio] ⟨ideo⟩; esse, [—] ⟨heredem eum factum non esse⟩ Beseler Tijdschrift 1930, 209
80 [$\overline{pp}$] Bes 4, 145 Beseler l c 176
80 pr [solus] Beseler SZ 51, 73
80 § 1 [—] Beseler l c
82 [et nihil —], ipse ⟨dominusve⟩ Beseler SZ 43, 550
83 [apparet —] ⟨—⟩ Beseler Tijdschrift 1930, 185
84 [$\overline{pp}$] Beseler SZ 45, 472
85 [adeat] ⟨cernat⟩ Beseler SZ 44, 363
86 pr [$\overline{pp}$] Faber coni 14, 1 = Bull 13, 231 Savigny Syst 3, 404 n a Gradenwitz SZ 7, 79 n 2 Lenel 561 HKrüger SZ 19, 25 Kr Suppl Berger Grünh Z 40, 314 Pringsheim SZ 41, 252 n 2; Festschr Lenel 229; SZ 42, 654 Frese

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86 pr SZ 43, 468 n 1. 473 Bonfante Ist^{8} 538 n 2. 542 n 2; corso 6, 247 sq HKrüger Stud Bonfante 2, 309 Beseler SZ 50, 44; 51, 73 ca *ut videtur* Samter Nichtförml Gerichtsverf 18 sqq
[aditionis] ⟨cretionis⟩ Voorda Interpret et emend 2, 20 p 196

87 pr [$\overline{pp}$] Beseler SZ 45, 472; Tijdschrift 1930, 209

90 pr [$\overline{pp}$] (?) Solazzi Min età 72

90 § 1 [quia —] Beseler SZ 43, 550

91 [$\overline{pp}$] Frese Stud Bonfante 4 (1930) 450 n 238

93 § 1 [adire] ⟨cernere⟩ Seckel-Kuebler iur anteiust 2, 1, 75 **ca** Solazzi Stud Pavia 5, 5 (1919) (accettaz dell' eredità) estr 14
[iure] ⟨cretione⟩ Solazzi l c
[quod —] Seckel-Kuebler l c
[$\overline{pp}$] Solazzi Rend Lomb 51, 593
[ut ei —] Beseler SZ 43, 550

95 ⟨—⟩ Brasiello Stud Bonfante 2, 550 sq. 568

96 [quo —] ⟨nihil egit⟩ Beseler SZ 44, 392

D testamenta quemadmodum aperiantur, inspiciantur et describantur 29, 3

1 pr [praetor] ⟨proconsul⟩ Endrich Stud Cagliari 9 (1917) 155

2 pr [quin —] (?) Perozzi Ist^{1} 2, 466 n 1; Ist^{2} 2, 578 n 2

§ 1 [perfectum] ⟨factum⟩ Tumedei Riv It sc giur 63, 104 n
[$\overline{pp}$] Betti Arch giur 100, 46 n 2

§ 4 [ut —] Segrè Riv It sc giur 30 (1900) 40 n 3

§ 7 [secundum —] Kalb Jagd 26 (36) Kr Suppl Kunkel SZ 45 (1925) 316 n 3

§ 8 [Si quis] ⟨Sive⟩; [omnimodo — compelletur:] si⟨ve⟩ Biondi Stud Bonfante 4 (1930) 85

7 [quippe — suum] Bes 3, 65; 4, 215 Kr Suppl Beseler Tijdschrift 1930, 176 Perozzi Ist^{2} 2, 577 n 5

12 [quidem]; [quod —] Beseler SZ 43, 550

D si quis omissa causa testamenti ab intestato vel alio modo possideat hereditatem 29, 4

rubr [vel alio modo] Lenel EP^{3} 363 n 5

1 § 3 [compellendus — facere] Huvelin furtum 1, 687 n 3

§ 4 [—] Gradenwitz Itpp 239 Lenel 1227 Kr et Suppl **ca** Kalb RJ 91

§ 7 [quod si — heredes] gl Lenel 1227

D si quis omissa causa testamenti ab intestato 29, 4

1 § 7 [nisi —] Albertario Fil 1911, 822 Kr Suppl
[$\overline{pp}$] Beseler Stud Bonfante 2, 82; SZ 51, 73

§ 8 paruit, [—] ⟨pro pure instituto⟩ debet haberi Beseler SZ 50, 37

§ 9 [aut si — possessionis] Naber Mnem 1898, 360
[sane —] Naber l c 1899, 271 sq
[aut quia — possessionis] Albertario Rend Lomb 55 (1922) 524 n 0

2 § 1 [mihi —] HKrüger SZ 19, 30 PKrüger Festschr Bekker 15 Solazzi Bull 31, 78 n 0 Kr Suppl
[maxime —] Di Marzo Bull 17, 107 Grünwald Heidelb diss 1912 60
[—] Bes 3, 38
[$\overline{pp}$] Levy SZ 37, 58 n 5

4 pr [$\overline{pp}$] Seckel svv gratia, indignari, liquidus, nex Kr Suppl
[—] Bes 3, 38 Beseler SZ 45, 472 **ca** Ciapessoni Stud Bonfante 3, 687 n 132 (688)
[numquid sqq] (?) Kr Suppl

§ 1 [dicendum — adversus possessorem] gl Mo Lenel 1229
[—] Bes 3, 38 Kr Suppl

§ 2 [—] Bes 3, 38. 102 Kr Suppl

6 pr [$\overline{pp}$] Beseler SZ 43, 550

§ 1 [—] Beseler l c

§ 2 [—] Beseler l c; SZ 50, 50

§ 3 [aut si — intervenerit] Donatuti Ann Perug 33 (1921) 411
[sive —] Beseler SZ 43, 550 Guarneri Arch giur 93, 141 n

§ 4 [Item]; [si vero —] Beseler SZ 43, 550; 50, 33

§ 5 ⟨non⟩ potest, [aliquid — hereditate] Naber Mnem 1899, 272 n 3
[$\overline{pp}$] Beseler SZ 43, 550

§ 6 [$\overline{pp}$] Beseler l c

§ 8 [debita] ⟨dimidia⟩; [debitam] ⟨dimidiam⟩ v Woeß Erbrecht 250 n 83 et 251
[quae in —] Beseler l c
[haec autem —] Kunkel SZ 45, 321 n 1

10 pr [dandam —] ⟨ipsum in solidum teneri⟩ (?) Bes 1, 47; 3, 38 Kr Suppl

§ 2 [quaestionis — ego]; [sed utrum —] Beseler Tijdschrift 1930, 176

11 [eligere —] Betti eff estint 35 Levy Konk 1, 42 n 6

12 § 1 ac [si] Beseler SZ 47 (1927) 356
[hoc —] De Medio Bull 16, 18 n 6 Albertario Fil 1911, 818 Rotondi Ann Perug 1913, 207 n 3 = Scr giur 2, 388 Levy l c 94 n 1 Kr Suppl

12 § 1 [in solidum] (?); [magis —] Beseler SZ 45, 472 Kalinka SZ 47, 326
21 [non secus] gl Beseler Tijdschrift 1930, 240
22 pr [cum —] Rechnitz Julian 56
§ 1 [fuisset] ⟨fuerit⟩ Rechnitz l c
§ 2 [quia —] Beseler SZ 43, 550 Donatuti Ann Perug 33 (1921) 412
[$\overline{pp}$] Rechnitz l c 78
26 pr [quoniam — relinquatur] Beseler SZ 43, 550
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§ 1 [—] Beseler SZ 43, 550
27 § 1 [per eum] Kr **ca** Solazzi Arch giur 86, 176sq
§ 2 [fraudis consilio] ⟨lucro⟩; [legatorum] Beseler Tijdschrift 1930, 209
30 [sive — possessore] Albertario Rend Lomb 55 (1922) 524 n 0

D de senatus consulto Silaniano et Claudiano: quorum testamenta ne aperiantur 29, 5

1 pr [tam — extraneis] Solazzi Arch giur 94 (1925) 84
§ 13 [constantius defendendum] gl Solazzi l c 75 n 2
§ 14 [licet —] Buckland slavery 356
§ 16 Sed [neque]; [neque marito]; ⟨non⟩ censuit; dixit ⟨, cum uxor in manu filii est⟩ Pampaloni Stud Sen 17 (1900) 168 n 24
§ 17 [aut caedem]; [ut —] Beseler SZ 43, 550
§ 18 [puta]; [vel — soleat]; [hoc idcirco —] Beseler l c
§ 20 [—] Beseler l c
§ 21 [—] Beseler l c
§ 24 [liquere —] Beseler l c
§ 27 [licet —] Beseler l c
§ 28 [ultimum —] ⟨—⟩ Bes 3, 107 KrSuppl
§ 29 [—] Beseler SZ 43, 550
§ 31 [quod si —] Beseler l c
§ 32 [aetas —] Beseler l c
§ 33 [et alias] — Beseler l c
§ 35 [hoc — esset dominus]; [vel alias —] Beseler l c
§ 36 [semper — est]; [quid enim si] ⟨qui⟩; [ille]; [elegit —] ⟨sustulit⟩ Beseler l c
§ 37 [—] Beseler l c Ebrard SZ 46, 150
3 § 2 [vel uxor maritum] Gradenwitz SZ 16, 119
§ 4 [$\overline{pp}$] Bes 4, 270 n 0
[—] Albertario delictum 70

3 § 6 [sine dolo malo]; [nec interest — possint] Beseler SZ 43, 550 cf Ebrard SZ 46, 150
§ 11 [—] (?) Bes 3, 140
§ 13 [quod si —] Beseler SZ 43, 550
§ 17 [nam —] Beseler l c
§ 19 [$\overline{pp}$] Beseler SZ 51, 73
§ 21 [non —] Bes 4, 242 Beseler SZ 50, 37
§ 22 [—] non tenebitur [—] Bes l c Pringsheim Stud Bonfante 1, 583 n 184
§ 23 [$\overline{pp}$] Bes 4, 270 n 0
§ 29 [ne heres —] (?) Kunkel SZ 45, 325 n 1
§ 30 [$\overline{pp}$] Beseler Subsiciva 10
§ 31 [ad implendam condicionem] ⟨ut impleta condicione cernant⟩ Pernice Labeo 3, 44 n 3 Kr et Suppl
4 [$\overline{pp}$] Beseler Subsiciva 10
5 § 3 [—] Bes 3, 127
9 [fisco] ⟨populo (aerario?)⟩ Vassalli Stud Sen 25, 78 n 8
[propter — mortem]; [eorum —] Cuiac 8, 432 E = comm Dig 49, 14, 14
14 [Germanus] ⟨Germaniae superioris⟩ Beseler SZ 43, 550
[$\overline{pp}$] Tumedei Distinz postclass 35sqq Albertario Arch giur 89, 259 n 1. 261 n 1
15 § 2 [$\overline{pp}$ § 2] (?) Bonfante corso 6, 333 n 2
16 [quidem]; [pretii —] Di Marzo decis 29 n 1; Arch giur 70, 529
[favore —] Albertario Conceptus pro *etc* estr Bull 1923, 57 Bonfante corso 2, 2, 16 n 3
21 § 1 [dolus — est]; [neglegentia — omiserit] Kunkel SZ 45, 321
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23 [Trebelliano] ⟨Pegasiano⟩ Lenel 47 Kr
25 pr [aureos] ⟨milia sestertiorum⟩ Cuiac 1, 980 C = Ad Dig 4, 3, 9
§ 1 [aurei] cf Cuiac l c
§ 2 [aureos] Cuiac l c
[$\overline{pp}$] Lenel EP^2 352 n 10; EP^3 365 Wlassak Jud bef 272 Kr Nov Suppl
[—] π Beseler Tijdschrift 1930, 185

D si quis aliquem testari prohibuerit vel coegerit 29, 6

rubr [vel coegerit] Gradenwitz Bull 2, 7

D de iure codicillorum 29, 7

1 [ideoque —] Beseler SZ 45, 472
2 § 1 [—] Rechnitz Julian 45
§ 2 [et ideo —] Kr, *errore ut videtur* Fabrum *citans*

D de iure codicillorum 29, 7

2 § 2 [$\overline{pp}$] Gradenwitz SZ 26, 352sqq Beseler SZ 45, 472 Rechnitz Julian 45. 80. 92. 93 Kreller SZ 47 (1927) 438

§ 3 [cum —] Bes 2, 87
[—] π Rechnitz l c 45

§ 4 [quasi hereditas] Tumedei Riv It sc giur 63, 105 n 2 David heredis inst 44. 70 sq Ciapessoni Stud Bonfante 3, 656 n 23
[sed —] David l c Ciapessoni l c
[—] π Rechnitz l c

3 [$\overline{pp}$] Beseler Tijdschrift 1930, 227; SZ 50, 67 n 1

§ 1 [—] (?) Schulz Gedächtnisschr Seckel 122 n 6

4 ⟨Ille scribit⟩ [Eum]; [placuit] Beseler Tijdschrift 1930, 211

5 [aut — retineatur] Cuiac 1, 148 B; = Not Inst 2, 25, 1 n 10; 4, 1100 E = Pap resp 7, 5 adhl Wissenbach embl 85
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8 § 2 [non tamen —] Suman saggi 92

§ 3 [sed dicemus —] Faber coni 10, 20 Bonfante corso 1, 127 n 4 Siber röm Priv R 346

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8 § 3 [$\overline{pp}$] Cugia Glück ital 37—38, 4, 140 Biondi convalidazione d codicillo 18. 19 n 1 Coli saggi crit 1, 18

§ 4 [$\overline{pp}$] Bonfante Glück ital 79, 1, 56 n n Arangio-Ruiz Bull 18, 162 n 0 **ca** Biondi l c 15 n 2

§ 6 [non — ideo] Beseler Tijdschrift 1930, 227

9 [nisi —] Albertario Fil 1911, 818

13 § 1 [quam — voluit] Bes 3, 129 Kr Suppl
[$\overline{pp}$] Beseler SZ 51, 61

14 pr [id est — esset] Bremer iurispr antehadr 2, 2, 244 cf 2, 1, 356
[$\overline{pp}$] Bes 3, 52; 4, 69 Kr Suppl Beseler SZ 50, 67 n 1 Pringsheim Festschr Lenel 216. 220 n 4 Levy Ehescheidung 25 Perozzi Ist^2 2, 678 n 3

§ 1 [$\overline{pp}$] Bes 3, 52 Kr Suppl Pringsheim Festschr Lenel 283 n 5 Kr Nov Suppl

16 [relicta] ⟨fideicommissa⟩ Faber error 44, 9

19 [$\overline{pp}$] Ferrini legati 104 Bes 3, 107 Kr Suppl Schulz Gedächtnisschr Sekkel 122

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FRIEDRICH EBRARD

D de legatis et fideicommissis (I)

1 inscr [sexagesimo septimo] ⟨septuagesimo nono⟩ (?) Ferrini legati 42
[1] Lotmar SZ 31 (1910) 123 sq Eckhard Hermeneutica: De interpolationibus legum § 240 cf Biondi tribonianismi 15 Ferrini legati 41; Pand 811 n 2 Perozzi Ist^1 2, 542 n 4; ^{2} 2, 671 n 5 (?) Endrich Stud Cagliari 8 (1916) 254 Frese SZ 43 (1922) 482 Beseler SZ 43 (1922) 535 Pacchioni corso dir rom^2 1, CCXIII
[per omnia] Cuiac 7, 960 C = comm Dig adhl; 8, 995 D = schol Inst 2, 20 n b; 9, 847 sqq = comm Cod 6, 43 Wissenbach embl 86 sq cf Biondi l c 9

De de legatis et fideicommissis (I)

1 Vangerow Pand^7 2, 401 Kr Perozzi l c Riccobono Mél Cornil 2, 350 Weiß (?) RE 12, 1129, 46 *alii* ⟨fere⟩ Wissenbach Exercitat 2, 1, 1 n 4 *ad* D 30 p 629 (Lipsiae 1673)

3 [$\overline{pp}$ 3] ⟨—⟩ Beseler SZ 49 (1929) 156

4 pr ⟨neuter⟩ debebitur [Sempronianus — debebitur] Beseler SZ 43 (1922) 415 Donatuti Stud Perozzi 313
[in corpore erravit] Lauria Riv dir civ 19 (1927) 374
⟨Tubero —⟩ Pomponius; [vel quod — *fin*] Beseler l c cf Donatuti l c **ca** Grosso Stud Bonfante 2, 197 n 29

8 § 1 meus ⟨sestertium⟩ decem ⟨milia⟩ Jörs röm PrivR 144

D de legatis et fideicommissis (I)

8 § 1 [cum utro — *fin*] ⟨—⟩ π Beseler SZ 47 (1927) 371
[cum utro — solutum] Donell ad D 12, 1, 42 nr 15 sec Kr **ca** Levy Konk 1, 194 n 3
[et solutum] Wissenbach embl 88 cf Biondi tribonianismi 9 Savigny Obl 1, 183 n g; Syst 5, 255 n f Vangerow Pand[7] 3, 91 Fitting Correalobl 151 n 179 Ascoli Stud e doc 11 (1890) 165 n 3 Lenel 396 Eisele Arch z Pr 77 (1891) 434 Ferrini obbl 403 Binder Korrealobl 332 Seckel Festschr Bekker 340 n 3 VJR 5, 616, 45 Bonfante Riv dir comm 14 (1916) 686 n 2; lez obbl 117; Ist[8] 378 n *alii*
[quid ergo — *fin*] gl Kerr Wylie solidarity 145 n 2
[liberum — petere] Bonfante lez obbl 117

§ 2 [ne aliter — concedatur] Frese Stud Bonfante 4, 446 n 214
[certe] edd Guarneri Citati obbl indivis 1, 41 n 2

9 legari ⟨non⟩ posse [et — *fin*] Ratti Riv It sc giur 2 (1927) 41 n

11 inscr [nono] ⟨decimo nono⟩ Kr Beseler SZ 45 (1925) 473; 46 (1926) 89 n 1

11 [$\overline{pp}$ 11] edd
[et ideo] ⟨—⟩ Beseler l c

12 pr [$\overline{pp}$ pr] edd Bremer iurispr antehadr 2, 1, 231 Wlassak SZ 31 (1910) 268

§ 1 [et — *fin*] Kunkel SZ 45 (1925) 316 n 3

§ 3 [in totum]; [novissima] ⟨utraque⟩ Beseler SZ 45 (1925) 446
[voluntas — *fin*] gl Beseler l c Donatuti Bull 34 (1925) 201

13 inscr [quarto] ⟨quinto⟩ Lenel 439 Kr

14 pr [vel — debeatur (?)]; [unum] ⟨alterum⟩ π Beseler SZ 45 (1925) 217
[nam — *fin*] (?) Stella Maranca Celso 99 n 8 π Beseler l c
[videri — *fin*] ⟨videtur⟩ (?) Lenel Aristo 41 **ca** Bremer iurispr antehadr 2, 2, 380

§ 1 ait ⟨idem dicendum esse⟩ [saepius] subiec⟨er⟩it [semel — *fin*] π Beseler l c
[posse — *fin*] Ciapessoni Stud Bonfante 3, 715 n 234

15 pr [posse defendi] Bes (?) 2, 24 Donatuti Bull 34 (1925) 196

16 pr deberi ⟨ait et hoc⟩ Beseler SZ 43 (1922) 551

§ 1 [si pars — *fin*] Beseler l c

D de legatis et fideicommissis (I)

16 § 2 [sed et si — *fin*] *s g* Ferrini legati 649 Segrè Stud Scialoja 1, 266

17 § 1 [quod — *fin*] Gradenwitz Itpp 215 Lenel 2533 Kr Donatuti Arch giur 89 (1923) 214 nn 3 et 4
[nisi — *fin*] Schulz Sab 32 VJR 1, 1006, 14; 4, 146, 3; 5, 344, 20 Stoll SZ 44 (1924) 12 n 5

§ 2 fuerit ⟨per praeceptionem⟩ Lenel 2534 Kretschmar Prälegat 144 n 74

19 pr [forte in codicillis] gl Ciapessoni Stud Bonfante 3, 681 n 113

22 [$\overline{pp}$ 22] Cicala Stud Sen 31 (1915) 4 n 1

23 [ut — *fin*] Kniep Mora 2, 281
[hodie] ⟨cottidie⟩ Kr Bes 2, 101
[nisi — *fin*] Ferrini legati 5; Rend Lomb 33 (1900) 1223 Seckel s v nisi VJR 4, 147, 50 Coli legato 131

24 § 1 [nisi — sim] Biondi convalidazione d codicillo 17 n 1 Kr Messina Vitrano legato d' usufrutto 90 sqq

§ 2 [et maxime — *fin*] Riccobono Stud Brugi 197 Kr

§ 3 [cum nostra — constituerentur] gl (?) Albertario Rend Lomb 62 (1929) 818 n 4
[nomina] ⟨fines⟩; [et domus] Riccobono l c

§ 4 [et — adscripsero] Ferrini legati 598 Kr

26 § 1 [postea — heredis] Ferrini Rend Lomb 33 (1900) 699 Coli legato 132 n 2
[heredis] ⟨eius⟩ Coli l c

§ 2 [$\overline{pp}$ § 2] Bonfante corso 2, 96 n 1
[Cum]; [dubium — debeatur] Bes 4, 145
[sed — *fin*] Rudorff ZRG 9 (1870) 308 n 33 Gradenwitz Festg Schirmer 160 Krüger Festschr Bekker 14 Kr VJR 1, 301, 12; 2, 459, 15; 3, 157, 11; 4, 27, 22; 5, 557, 45 Perozzi Ist[2] 2, 705 n 1
[sed — maluerit] Gradenwitz Itpp 195 Lenel 448 Messina Vitrano legato d'usufrutto 94 Rabel Grundz 431 n 1 Betti lit aest 1, 48 n 71 cf Seckel s v malle 2
[in his — *fin*] Messina Vitrano l c
[omnimodo] Betti l c Guarneri Citati obbl indivis 1, 77 n

27 [27] Rudorff ZRG 9 (1870) 308 n 33 Kr Suppl gl Beseler SZ 46 (1926) 274 (cf Bes 2, 120; 3, 166; SZ 47 (1927) 372)
vel [in] ⟨imo⟩ Kniep Mora 2, 279
[vel — aestimaverit]; [vindicare] Audibert NRH 28 (1904) 677 n 2

D de legatis et fideicommissis (I)

28 pr [Si — sicut] Beseler SZ 47 (1927) 66 [civilis] ⟨legitima⟩ (?) Erman SZ 25 (1904) 341 sq

§ 1 [$\overline{pp}$ § 1] Schulz SZ 38 (1917) 152 n 2 ⟨Item⟩ Marcellus; ⟨mihi⟩ legaveris Beseler l c ⟨per vindicationem⟩ legaveris Lenel 2597 Arndts Ges civ Schr 2, 546 Schulz l c **ca** Hanquet Das legatum debiti 11 sq (Berliner diss 1889)
[hoc] minuat⟨ur neque caducum fiat —⟩ Beseler l c

29 [29] Faber coni 8, 14 Beseler SZ 47 (1927) 67

32 pr [$\overline{pp}$ pr] Samter SZ 47 (1927) 380
[a] filio Pampaloni Mél Girard 2, 346 n 27 Coli legato 154
institutus ⟨per vindicationem⟩ Pampaloni l c ⟨herede instituto per vindicationem⟩ Coli l c
[igitur — *fin*] Bes 3, 108

§ 1 [$\overline{pp}$ § 1] Samter l c
[quem — *fin*] Bes 3, 16 Kr Suppl ⟨inutile legatum erit⟩ Ciapessoni Stud Bonfante 3, 714 n 232

§ 2 [$\overline{pp}$ § 2] Samter l c
'ad — publicae' *genuin* Ebrard Viert Soz Wirtsch G 19 (1926) 184 n 1

33 [33] Ciapessoni Stud Bonfante 3, 715
[$\overline{pp}$ 33] Faber coni 6, 1; error 50, 3 Wissenbach embl 90 cf Biondi tribonianismi 9 Eisele SZ 7 (1886) 30; 10 (1889) 318 Gradenwitz Itpp 13 Appleton NRH 6 (1882) 248 n 2 Lenel EP³ 540 n 5 (§ 287) VJR 1, 196, 6. 243, 11. 244, 17. 265, 19. 980, 5. 1031, 20; 3, 7, 41. 24, 43. 198, 42; 4, 143, 49; 5, 360, 13. 383, 11 Wlassak SZ 31 (1910) 226 Albertario Fil 36 (1911) 806 Guarneri Citati Ann Pal 1 (1916) 411; Ann Messina 1 (1927) 96 n Bonfante Ist⁸ 629 n *alii*
⟨per vindicationem⟩ legata Ascoli Arch giur 40 (1888) 339. 342 Ferrini legati 28
fuerit ⟨et ex Neroniano confirmetur legatum⟩ Ferrini l c
[si quidem coniunctim — *fin*] Lenel 1429 Ascoli l c Samter Nichtförml Gerichtsverfahren 118
[si — coniunctim] Kr
[quod si — *fin*] Cuiac 2, 886 B = comm Cod postr 12, 1, 1; 7, 996 B = comm Dig 30, 16; 7, 1014 E = comm Dig adhl; 10, 687 C = Not Cod 6, 51, 1; 10, 1073 E = Ad Dig 32, 20; 10, 1136 D = Ad Dig 32, 89 Kr cf Guarneri Citati obbl indivis 1, 38 n 3 (40)
[si quidem evidentissime — *fin*] Ferrini legati 28
[nisi — voluisse] Seckel s v nisi Riccobono SZ 34 (1913) 242 n 4
[manifestissimus] Kniep Gai comment 3, 2, 70 n 4

34 [$\overline{pp}$ 34] Ciapessoni Stud Bonfante 3, 681 n 114
⟨per vindicationem⟩ leg . . . . *in hoc fr saepe ins* Segrè Stud Scialoja 1, 259

pr [$\overline{pp}$ pr] Huschke Z f Z u Pr N F 4 (1847) 298 Marchi Bull 21 (1909) 96 n 2
[at — *fin*] Ferrini legati 692; Glück ital 1, 341 Kr et Suppl
[coniuncti unius — *fin*] Segrè Riv It sc giur 8 (1889) 223 n 375

§ 1 Si ⟨eidem⟩ eadem Kr Bes 4, 331
[sufficitque — *fin*] Beseler SZ 43 (1922) 427

§ 2 [bis — *fin*] Di Marzo Bull 15 (1903) 122 ⟨—⟩ Schulz SZ 38 (1917) 181 Kr Suppl ⟨—⟩ Bes l c

§ 3 [$\overline{pp}$ § 3] Naber Mnem 53 (1925) 251 n 6 Ciapessoni l c 706 n 189
[eadem — saepius] Gradenwitz Itpp 31 Lenel 2615 Kr VJR 3, 319, 46 Schulz l c Bes 4, 86
[tunc] Gradenwitz l c Lenel l c Kr Cicala Stud Sen 31 (1915) 4 n 1
[si — *fin*] Bes 4, 331 Cicala l c
[si — voluisse] Gradenwitz l c Eisele SZ 11 (1890) 10 Lenel l c Ferrini legati 317 HKrüger Arch lat Lex 10 (1898) 252 Kr VJR 2, 617, 41 Riccobono SZ 34 (1913) 244; 43 (1922) 278 n 1 Donatuti Arch giur 89 (1923) 214 n 3
[eiusque — *fin*] Albertario Rend Lomb 58 (1925) 252
[volente testatore] Gradenwitz Lenel Ferrini ll cc Kr

§ 4 [tunc — *fin*] Bes 4, 331 Kr Nov Suppl

§ 5 [merito — *fin*] Bes l c Kr Nov Suppl

§ 6 [$\overline{pp}$ § 6] Naber Mnem 53 (1925) 251 n 6
[id — *fin*] Gradenwitz Itpp 31 Eisele SZ 11 (1890) 10 Lenel 2615 Kr Bes 4, 331 Schulz SZ 38 (1917) 181
[si hoc — *fin*] Ferrini legati 317 VJR 3, 204, 14

§ 7 [usque — abest] ⟨non⟩ Bes 4, 331

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34 § 8 [§ 8] Bes 4, 331
[vel ipsam — ea]; [dandi — *fin*] ⟨alii per vindicationem⟩ Schulz SZ 38 (1917) 181 Kr Suppl

§ 9 ⟨per damnationem⟩ legetur Lenel 2615 cf Segrè Fil 13 (1888) 336 n 1. 353

§ 10 ⟨et⟩ si ⟨per vindicationem⟩ Lenel 2615 *sim* Segrè l c 352 sq
⟨per vindicationem⟩ legavit [habebit — *fin*] ⟨habebo⟩ (?) Segrè l c

§ 11 legata ⟨per vindicationem⟩ Bonfante corso 6, 404
[a — ideoque] Beseler SZ 45 (1925) 473

§ 14 [duo esse legata] ⟨optio datur legatario⟩ (?) Ciapessoni Stud Bonfante 3, 708 n 198

§ 15 pars [fundi] edd *genuin* ? Grosso Stud Bonfante 2, 211 n 56

36 [pp 36] Bremer iurispr antehadr 2, 1, 224

37 pr legato ⟨per damnationem⟩ (?) (cf Ferrini opp 4, 276 n 1) Ciapessoni Stud Bonfante 3, 708 n 198
[ne — accipiatur] Lenel 2618
[optimus — pessimus] Albertario arb b v d debitore n determinazione d prestazione 32 n 2
⟨actor⟩ Albertario Riv dir comm 23 (1925) 180
[vel pessimus] edd Ferrini obbl 591 n 1 Perozzi Ist[2] 2, 129 n 1 Ciapessoni Stud Bonfante 3, 715 n 234
[qui — *fin*] Albertario Riv l c
⟨per vindicationem⟩ legato Lenel l c

§ 1 [electio — vindicabitur] ⟨inutile est legatum⟩ Ciapessoni l c 713 sq et n 229
[aut — vindicabitur] Ferrini legati 244; Pand 825 n 1 Kr

38 § 1 [pp § 1] Beseler SZ 45 (1925) 473 *s g* Guarneri Citati Ann Messina 1 (1927) 21 n 3

39 pr [pp pr] Ferrini Rend Lomb 33 (1900) 701. 1224

§ 1 [pp § 1] Siber röm Priv R 256
[in usurarum — statuet] Siber SZ 45 (1925) 166 n 1

§ 2 [pp § 2] Di Marzo Bull 15 (1903) 119 n 1 Ferrini Glück ital 1, 155 n a HKrüger Grünh Z 21 (1894) 302 Segrè Stud Scialoja 1, 263 Schulz SZ 38 (1917) 172 n 2 Beseler SZ 45 (1925) 473
rem ⟨mancipi⟩; legasset ⟨per damnationem⟩ Lenel 2619 Iul 477

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39 § 2 ⟨per vindicationem⟩ legasset Meylan Stud Bonfante 1, 477
⟨per vindicationem⟩ legasset; [mox — recepero]; [prima facie]; [ex empto — legatum] ⟨—⟩; tradidi ⟨—⟩ Ciapessoni Stud Bonfante 3, 708 sqq. 710
[sed ex — tradidi] Ferrini legati 302; Rend Lomb 33 (1900) 1217

§ 3 [pp § 3] Bes 3, 172
[tradita] ⟨mancipata⟩ (?) Lenel 477
tradita ⟨nec mancipata⟩ (?) Lenel 2619

§ 4 [legaverit licere] Ferrini Rend Lomb 33 (1900) 1215 n 1

§ 6 [§ 6] Ciapessoni Stud Bonfante 3, 708 n 198. 714 n 232
[Scio — tractatum]; [et esset — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 217
[et heres — maiorem]; [si — *fin*] Donatuti Bull 34 (1925) 221

§ 7 [§ 7] Beseler SZ 47 (1927) 372

§ 8 [furiosi — *fin*] ⟨—⟩ Beseler l c

§ 9 [Item] ⟨nec per damnationem⟩ legari [non] Beseler l c

§ 10 [Sed et]; [in — redacta] si ⟨per damnationem⟩ legentur [nec]; [quoniam — *fin*] Beseler l c
[nisi — principis] Kniep soc publ 188 Gradenwitz SZ 26 (1905) 480 Kr VJR 4, 154, 18 Bonfante corso 2, 1, 68

40 [pp 40] Siber röm Priv R 360
[non] est edd Appleton NRH 40 (1916) 34 Ferrini Glück ital 1, 69 sq (?) **ca** Vangerow Pand[7] 2, 434

41 pr [et servitutes] Perozzi obbl 12 n

§ 2 [secundum — *fin*] Beseler Tijdschrift 8 (1928) 305
⟨posse⟩ (?) aiunt Vassalli Bull 27 (1914) 213
[purum — *fin*] Bes 2, 59 Vassalli l c **ca** Mitteis SZ 33 (1912) 200

§ 4 [sed melius — *fin*] Donatuti Bull 34 (1925) 204 n

§ 5 [pp § 5] edd

§ 7 [pp § 7] edd

§ 9 [haec] edd

§ 12 [dubitari — *fin*] Bonfante corso 2, 1, 267 n 4

43 pr [heres — praestabit] ⟨—⟩ Donatuti Bull 34 (1925) 204 n

§ 1 [pp § 1] Bonfante corso 1, 370 n 1 Siber röm Priv R 59 n 12
[sine — damno] Riccobono Ann Pal 3/4 (1917) 453. 494 n 6 Siber l c

§ 2 poni ⟨non⟩ potest [in heredis — *fin*] Albertario arb b v n onerato di un fedecommesso 28 n 2

D de legatis et fideicommissis (I)

43 § 3 [sibi — *fin*] Pampaloni Bull 17 (1905) 130. 136

44 § 1 legatam ⟨—⟩ ignorans Siber röm Priv R 404
[adhuc] ⟨post aditam hereditatem⟩ legaverit Beseler SZ 43 (1922) 551
⟨per vindicationem⟩ legaverit Kr **ca** Wlassak SZ 31 (1920) 289 n 2
[postea — retro] Siber l c
postea ⟨eam sibi legatam⟩ cognoverit [ubi — retro] ⟨res⟩; [si — *fin*] Beseler l c **ca** Wlassak SZ 31 (1910) 222. 239

§ 2 [si modo — *fin*] Ferrini legati 599 Kr VJR 4, 223, 40 Siber l c 356 n 21
[quam sententiam — *fin*] Ratti Stud Bonfante 1, 279 n 34

§ 3 [durante — *fin*] Ferrini legati 599 Kr Siber Ratti ll cc

§ 4 [nisi — *fin*] Ferrini legati 604 Kr VJR 4, 144, 21 Siber Ratti ll cc

§ 6 [benigne]; [ut — *fin*] Bes 3, 172

§ 7 [in — creditoris] ⟨a minore viginti quinque annorum⟩ Schulz SZ 48 (1928) 211 n 2. 265 n 3

45 pr ⟨per vindicationem⟩ legassem [alienaveris] ⟨—⟩; [et Aristo — *fin*] ⟨scripsit⟩ Bes 4, 333

§ 1 damnatus ⟨servum⟩ edd Schloßmann SZ 29 (1908) 294 Albertario Riv dir comm 23 (1925) 179

47 pr [$\overline{pp}$ pr] Beseler Tijdschrift 8 (1928) 305
res ⟨per damnationem⟩ legata Lenel 2633
praestare Mommsen jur Schr 2, 119; ed Dig mai adhl
praestare [qua intercedente usuras et omnem utilitatem praestandam Sabinus ait] gl Kantorowicz SZ 30 (1909) 245
[primum quidem] Suman Fil 42 (1917) 234
[nisi — voluisse] Kr Suppl Suman l c

§ 1 [$\overline{pp}$ § 1] Beseler l c
[nisi — testantis] Suman l c

§ 2 [$\overline{pp}$ § 2] Bes 4, 320; Tijdschrift l c
praestare Mommsen l c Kantorowicz l c 246
[quod — *fin*] Ferrini Rend Lomb 33 (1900) 700 Schulz Einf 102 n 4 Kr Suppl Coli legato 133 n 2

§ 3 [$\overline{pp}$ § 3] Bes ll cc Perozzi Ist² 2, 125 n 7 cf Rabel Grundz 474 n 1 *alii*
[vel]; [vel — hostes] Ferrini l c Bes 3, 87 Schulz l c 102 Coli legato 133 n 2

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47 § 3 [aut — legatario] Schulz l c Kr Suppl
[aut — aestimationem] Scialoja Bull 11 (1898) 66 Ferrini l c Pacchioni corso dir rom ² 3, 34 n 51 Bonfante Ist³ 367 n 2 Coli l c
[qua — pretium] Coli l c
[fortassis — pretium] Scialoja l c Kr Suppl Pacchioni Bonfante ll cc
[et — *fin*] Scialoja Ferrini Coli ll cc
⟨is praestetur⟩ Schulz l c Kr Suppl
[vel ipsum — aestimationem] Bonfante l c

§ 4 [$\overline{pp}$ § 4] Beseler Tijdschrift l c **ca** *s g* Arangio-Ruiz resp 27 sqq
[aliena vel] Ferrini Glück ital 2, 117
[vel hereditaria] Arangio-Ruiz l c
[perierit vel] Ferrini Rend Lomb 33 (1900) 699; Glück ital l c Arangio-Ruiz l c cf Bes 4, 320
[sed — *fin*] Ferrini Arangio-Ruiz Bes ll cc

§ 5 [§ 5] Kübler SZ 39 (1918) 205 Kr Suppl Rotondi Scr giur 2, 98 n 3 Kunkel SZ 45 (1925) 288 Beseler Tijdschrift l c Arangio-Ruiz l c Guarneri Citati obbl indivis 1, 258
[an — an] De Medio Bull 18 (1906) 266 Ferrini Rend Lomb 33 (1900) 699; Pand 577 n 2; Glück ital 2, 187 Kr Albertario Arch giur 89 (1923) 258 Binding Normen ² 2, 2, 724 n 25; SZ 39 (1918) 12. 24 n 1 Lenel SZ 38 (1917) 265
[non solum — verum] Pernice Labeo 2, 2, 1, 130 Seckel s v diligens
[non] solum gl *Βασῆς Κριτικὰ* 10 **ca** **Μυλωνᾶς Ἐπιθεώρησις* 195
[dolo — sit] ⟨in faciendo consistit⟩ Genzmer SZ 44 (1924) 141
[verum — levis est] gl *Βασῆς* l c **ca** **Μυλωνᾶς* l c
[quae — et]; [quoque — herede] Genzmer l c
[quod — *fin*] De Medio l c Ferrini ll cc

§ 6 [$\overline{pp}$ § 6] Betti lit aest 30 Haymann SZ 41 (1920) 172 n 1 Bonfante corso 2, 2, 305 n 1 Beseler Tijdschrift l c Arnò Arch giur 100 (1928) 176
[potuit — *fin*] Schulz l c 108 Kr Suppl Betti l c 21 Perozzi Ist² 2, 437 n 3 Genzmer Arangio-Ruiz ll cc Siber röm Priv R 256

48 pr [*pp* pr] De Francisci Synall 2, 124 Biondi a^nes noxales 151 sq

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48 pr ⟨per damnationem⟩ legatam Bremer iurispr antehadr 2, 2, 194 Betti Att Tor 51 (1915/16) 1381
[ignorante domino] Ferrini Glück ital 2, 163
[vel — dederet]; [vel] Betti l c

49 § 1 [$\overline{pp}$ § 1] Beseler SZ 45 (1925) 473
[haec — *fin*] Bes 4, 69 cf Mommsen adhl §§ 1 et 3

§ 2 [§ 2] gl Bes 2, 59; 3, 201; SZ l c **ca** Mitteis SZ 33 (1912) 200

§ 3 [Et — transfert] Bes 3, 201; SZ l c cf Mommsen adhl §§ 1 et 3
[nisi — *fin*] Lenel 2642 VJR 4, 147, 11; 5, 358, 8

§ 4 [legatum] edd Lenel 2654 Kr

§ 6 [an — *fin*] ⟨legatum non valere⟩ Bes 4, 215 Kr (?) Nov Suppl

§ 8 [$\overline{pp}$ § 8] Solazzi Bull 31 (1921) 74 n 3

50 § 1 [$\overline{pp}$ § 1] Faber rat ad D 5, 2, 17, 1 (2, 1, 165) π Ebrard form hypoth 111 n 60
[hereditatis iudex] Bozza Competenza dei centumviri 105 n 1
[non — provocavit] Eisele SZ 15 (1894) 277 n 3 Perrot appel 69 n 3 Beseler Tijdschrift 8 (1928) 313 **ca** Krüger SZ 24 (1903) 194 n 3
[non] nocebit Betti D 42, 1, 63 p 52. 471
[si tamen — *fin*] Bes 2, 87
[et — *fin*] ⟨—⟩ Beseler l c
personam ⟨si legata ab instituto relicta ab eo repetita non sunt⟩ numquid Betti l c 471 n 2
[nec — *fin*] Betti l c 159

§ 2 [quid — *fin*] Beseler l c
[. . . hereditas abiudicetur . .] VJR 3, 82, 14
[et — careret] Arangio-Ruiz Bull 32 (1922) 35

§ 3 [ante — *fin*] ⟨—⟩ Donatuti Bull 34 (1925) 219
[sed — *fin*] Albertario alimenti 35 n

51 [aut — lancem]; [vel — legatae] Lenel 107 Kr

53 § 3 [hoc — merentem] gl Kr

§ 4 [an — et] Siber röm PrivR 251

§ 7 [$\overline{pp}$ § 7] Genzmer SZ 44 (1924) 97 Guarneri Citati Stud Bonfante 3, 439 n 3. 440
[ex — tenebitur] edd
[vero] edd Morel sepulchrum 23

§ 8 [quod — *fin*] Ferrini Rend Lomb 33 (1900) 698 n 2

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54 pr [$\overline{pp}$ pr] Marchi Bull 21 (1909) 56 De Francisci saggi romanistici 54
[Turpia] ⟨poenae nomine⟩ (?); [denotandi] magis ⟨odio heredis quam⟩ (?); [odio scribentis] Marchi Bull 21 (1909) 56 n 2

§ 2 [$\overline{pp}$ § 2] Vassalli Bull 27 (1914) 194 n 1
nihilo [minus] ⟨magis⟩; [quia] ⟨quamvis⟩ Ferrini legati 366

56 ⟨per damnationem⟩ legati [eam stipulationem] ⟨ex stipulatu actionem⟩ ⟨agenti ei ex stipulatu doli mali exceptio obstabit⟩; [sit] ⟨servus est⟩; [nec — *fin*] Beseler SZ 47 (1927) 372

57 [$\overline{pp}$ 57] Solazzi Bull 22 (1910) 41 n 1 π Ebrard form hypoth 72 Manigk RE 9, 380, 45 Solazzi Rend Lomb 55 (1922) 91 n 4 Appleton RH 6 (1927) 234 n 1
[si quidem — obligatam] Schulz Gedächtnisschr Seckel 117
[nisi si animo — *fin*] VJR 3, 177, 27; 4, 158, 44. 169, 26. 212, 2. 214, 42. 221, 52; 5, 358, 22 Schulz l c
[nisi — fuerit]; [nisi — obligatam] Eisele SZ 11 (1890) 28 Ferrini legati 285 n 6; Pand 829 n 3 Pernice Labeo 3, 1, 76 n 1 Seckel s v nisi Kr Fehr Pfandr 65 Erman Mél Girard 1, 421 n 3 Bes 3, 188 Manigk RE 9, 391, 15 Berger Bull 32 (1922) 143 n 2
[vel potest — alieno] cf Fehr l c 66 n 51
[vel] ⟨ubi⟩ edd **ca** Seuffert Münch Festg Planck 209
[quod si — *fin*] Ferrini l c Kr Fehr Bes ll cc Guarneri Citati obbl indivis 1, 38 n 3 **ca** Manigk RE 9, 380, 48
⟨non⟩ noluerit edd [noluerit] ⟨voluerit⟩ Appleton NRH 40 (1916) 32 **ca** Seuffert l c 178
[tamen per — *fin*] Solazzi l c

58 [sumptuum — examinatis] Biondi compensazione 378 (estr 218) **ca** Kreller SZ 49 (1929) 516

60 [60] Riccobono Ann Pal 3/4 (1917) 180 n 1
[$\overline{pp}$ 60] edd Biondi compensazione 320. 379 (estr 160. 219) ⟨—⟩ quod si Betti Bull 28 (1915) 54 cf *sim* Lenel 551
[tradidisset] ⟨mancipio dedisset⟩ Pernice Labeo 3, 1, 246 n 1 Pflüger SZ 18 (1897) 86 Mayr Cond 186. 221; SZ 25 (1904) 219 n 8 Betti l c

60 [incerti — *fin*] Biondi l c 320 (estr 160)
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[quasi — *fin*] Betti l c Riccobono Ann Pal 3/4 (1917) 248 n 1 Kr Nov Suppl

61 [a legatario] edd ⟨ab eo⟩ (?) Lenel 613

63 [quod falsum — *fin*] Gradenwitz Itpp 214 Bremer iurispr antehadr 1, 181
[et nec — *fin*] Donatuti Bull 34 (1925) 202

65 inscr ⟨urbani⟩ edd

pr [pr] Ant Augustinus obs 97 sec Kalb JL 77
[$\overline{pp}$ pr] Kalb l c
[quidem] Kr
[si vero — *fin*] Lenel 14 (Addit vol 2 pag 1260) Grupe SZ 17 (1896) 313 Kr VJR 4, 237, 45

§ 1 [quamvis — *fin*] Grupe SZ 16 (1895) 317; SZ 17 l c Ot Sommer SZ 34 (1913) 399 Kr VJR 5, 558, 37

§ 2 [nisi — *fin*] Gradenwitz SZ 7 (1886) 79; Itpp 214 Lenel 14 Grupe SZ 17 l c Seckel s v nisi Ferrini Glück ital 1, 82 Kr VJR 4, 147, 28; 5, 358, 5 Siber röm Priv R 356 n 21

66 [$\overline{pp}$ 66] Beseler Stud Bonfante 2, 58

67 inscr ⟨urbani⟩ edd

§ 1 eadem res ⟨per praeceptionem⟩ Bernstein SZ 15 (1894) 121

68 § 1 [$\overline{pp}$ § 1] Grupe SZ 17 (1896) 320 cf edd
[praeterquam — *fin*] Wlassak SZ 31 (1910) 238 n 2

§ 2 [et ideo existente — *fin*] Beseler SZ 45 (1925) 473
[et ideo — pertinebit] Tumedei Riv It sc giur 63 (1919) 82 n 1

69 inscr ⟨urbani⟩ edd

pr ⟨per vindicationem⟩ legato Lenel 16 (?) Wlassak SZ 31 (1910) 230 n 2

§ 2 [$\overline{pp}$ § 2] Bes 2, 80 n 1

§§ 2/3 ⟨indotatam — est⟩ Mommsen jur Schr 2, 119 edd

§ 4 [ad iudicem] ⟨in ius⟩; [iudicis — *fin*] ⟨—⟩ Bes 4, 145

§ 5 [$\overline{pp}$ § 5] Ferrini Rend Lomb 33 (1900) 1225 Pampaloni Riv It sc giur 52 (1912) 186 n 6 (187)

70 pr [herede — instituto] ⟨a me sinendi modo⟩ Pampaloni Riv It sc giur 52

70 pr (1912) 186 n 6 (187) **ca** *genuin* Bes 2, 108

§ 2 [§ 2] Heldrich SZ 46 (1926) 429 n 1

71 pr [simpliciter] ⟨per damnationem⟩ Ciapessoni Stud Bonfante 3, 708 n 198. 714 n 231

§ 2 [$\overline{pp}$ § 2] (?) De Medio Arch giur 68 (1902) 232 Guarneri Citati Bull 32 (1923) 252 n 4
[nec — *fin*] Kaden SZ 45 (1925) 540
[nec iudicium]; [quidem tempus] Betti Att Tor 50 (1914/15) 708 n 2

§ 3 [$\overline{pp}$ § 3] Beseler SZ 45 (1925) 456 Kaden SZ 45 (1925) 541 n 3
[iustam] Donatuti Ann Perug 33 (1921) 434
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§ 4 [alia — *fin*] Albertario Bull l c 69

§ 5 [$\overline{pp}$ § 5] Bes 3, 38 Solazzi Rend Lincei 6, 5 (1929) 37 n 1 (38) Ciapessoni Stud Bonfante 3, 709 n 201
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§ 6 [§ 6] Perozzi Ist² 1, 800 n 1 cf Solazzi l c
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74 [$\overline{pp}$ 74] Suman Favor testamenti 165 n 2. 166
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[tamen — deberi]; [in obscura — *fin*] Pacchioni corso dir rom² 3, 460 n 840

75 pr [legatum vel]; [et legatum et] Bes 3, 136. 198 Albertario arb b v nel onerato di un fedecommesso 22 Riccobono Mél Cornil 3, 324 Schulz SZ 48 (1928) 697
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§ 1 [Si mihi — cum] Bes 3, 172; SZ 47 (1927) 67

§ 2 [$\overline{pp}$ § 2] Schulz Gedächtnisschr Seckel 111 n 1
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75 § 2 [nam inter — interest] Grosso Stud Bonfante 2, 208 n 47. 216
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[et — *fin*] Bes l c

§ 3 [pp § 3] Scherillo Stud Bonfante 4, 233 n 108
ego ⟨heresve meus⟩ Scherillo Bull 36 (1928) 83 sq
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[praestet — *fin*] Bes Scherillo ll cc
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§ 4 [pp § 4] Ferrini Rend Lomb 33 (1900) 1227 sq
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76 [pp 76] π Rechnitz Julian 100
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77 [fuit] ⟨fuerit⟩ Beseler SZ 45 (1925) 262
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[praestet] ⟨alicui praestaret⟩ Bes l c
[fideicommissum]; [debebitur — videatur] ⟨videtur⟩ Siber l c
[quasi — debitori] Beseler l c
[nam] ⟨quare⟩ Siber l c
[exceptione uti potest] ⟨mentione tutus est⟩ (?) Seckel s v exceptio 3 B a aa *i f*
[quae — *fin*] Haymann Schenkung 154 sq n Siber l c
[quod — *fin*] Bähr Arch z Pr 67 (1884) 172 Kr VJR 1, 1123, 44; 3, 53, 50 Pacchioni contr (1912) 403 sqq Perozzi Ist[2] 2, 674 n 2 Bes 2, 87; SZ l c

79 *genuin* Rechnitz Julian 19. 26. 27. 30. 33
[suo] gl edd

81 pr [pp pr] De Francisci trasferimento 237 (?) Guarneri Citati Stud Bonfante 3, 454 n 54

§ 2 [pp § 2] Marchi Bull 21 (1909) 101
[et si — *fin*] Albertario contr crit Dig 41 Kr Suppl; Nov Suppl

§ 3 [pp § 3] Ferrini Pand 464 n 4 Bonfante corso 2, 1, 285 n 1
[aut — aut]; [si — exceperit] ⟨—⟩; ⟨op⟩posita; [id]; [in villa]; [et — ea] Beseler SZ 46 (1926) 274
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81 § 3 Lusignani Fil 33 (1898) 580 Kr VJR 5, 564, 27 Bonfante l c[8] 333 n 1 (?)

§ 4 [pp vicenis — *fin*] Rechnitz Julian 98
[et ideo — posse] gl ⟨—⟩ Beseler SZ 45 (1925) 473

§ 6 [non repudiaverit] ⟨adgnoverit *sive* voluerit ad se pertinere⟩ Seckel s v velle **ca** Wlassak SZ 31 (1910) 222 n 2. 247. 250. 252 Rechnitz l c 44. 47 Beseler jur Min 72

§ 7 cf Rechnitz Julian 67. 91

§ 9 [eius] ⟨Servus⟩ edd Pampaloni Mél Girard 2, 346 n 27

§ 10 ⟨Servus⟩ a edd
[a] impubere ⟨herede institutus per vindicationem⟩ Pampaloni l c Coli legato 154

82 pr [pp pr] Arndts Glück 46, 262 Pampaloni Mél Girard 2, 346 De Francisci translatio 28 cf Pringsheim Festschr Lenel 243 n 9 π Rechnitz Julian 91 **ca** Coli legato 155
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⟨per damnationem⟩ pure Lenel 475 Vassalli Bull 27 (1914) 201
⟨per damnationem⟩ accipere Schulz SZ 38 (1917) 155
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§ 1 [pp § 1] Ciapessoni Stud Bonfante 3, 709 n 201 π Rechnitz l c 95
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82 § 2 [pp § 2] Pernice Labeo 2, 1, 269 n 2 cf edd
[postea — coepit]; ⟨non⟩ (?) tanti . . . aberit ⟨—⟩ Bes l c

§ 3 [partem] ⟨usum fructum⟩; [pars — *fin*] Bes l c 328
[partem enim — *fin*] Schulz l c 160

§ 4 [non possum]; [ex — lucrativa] Di Marzo l c 106 **ca** Grünwald Heidelb diss 1912, 52 Schulz l c 165
competit ⟨—⟩ Bes l c

§ 5 [eam — praestare] Bes 3, 173 Schulz l c 168 n 1 Rechnitz l c 100 ⟨—⟩ Bes l c ⟨Sempronio et Maevio legatum inutile est⟩ Rechnitz l c

§ 6 [possum] ⟨me posse ille scripsit⟩ Bes l c 329 cf Rechnitz l c 78. 79
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84 § 1 [centum aureis] ⟨sestertium centum milibus⟩; [centum aureos] ⟨sestertium centum milia⟩ Lenel 476

§ 2 [si pretio — *fin*] gl Kr Lenel l c Ferrini legati 631 n 1 Schulz SZ 38 (1917) 153 n 3 Levy Konk 2, 1, 136

§ 3 ⟨mancipare et⟩ tradere (?) Lenel l c

§ 4 [traditae] Lenel l c Pernice Labeo 2, 2, 1, 128 Bes 4, 329 Genzmer SZ 44 (1924) 107 Guarneri Citati Ann Pal 11 (1924) 317
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§ 5 [pp § 5] Di Marzo Bull 15 (1903) 118
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[pp hominem — agat] Kr Suppl
si [iudicio] ex; [pretium — et] Bes l c 330

§ 6 [convenire — *fin*] Kann Klagenmehrheit 32 Kr Suppl Rechnitz l c 98

§ 8 [pp § 8] Cuiac 10, 1137 C = Ad Dig 32, 89
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84 § 10 [legata — erat] Bes 4, 146 Kr Nov Suppl

§ 11 'in obligatione remanet' *genuin* Rechnitz l c 65

§ 13 [pp § 13] Eisele SZ 18 (1897) 5 Ferrini legati 29 Wlassak SZ 31 (1910) 226 Kr Lenel EP³ 540 n 5 (§ 287) VJR 1, 925, 7; 4, 148, 18; 5, 554, 31 Rechnitz l c 67 Guarneri Citati Ann Messina 1 (1927) 96 n
[Si — fuerat] ⟨—⟩ Ascoli Arch giur 40 (1888) 343
⟨per vindicationem⟩ legatum; [qua — uti] ⟨—⟩; ⟨non⟩ vult; [in personam]; potest ⟨—⟩; [consentire — *fin*] Ciapessoni Stud Bonfante 3, 704
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85 [pp 85] Eisele SZ 18 (1897) 8 Ascoli Arch giur 40 (1888) 344 Schneider Krit Viert 33 (1891) 44 Wlassak SZ 31 (1910) 226 Lenel EP³ 540 n 5 (§ 287) Guarneri Citati Ann Messina 1 (1927) 96 n
[Duobus coniunctim] ⟨—⟩ Segrè Stud Scialoja 1, 248 n 2
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[per — abstulit] ⟨accepit et legatum repudiavit⟩ Beseler SZ 46 (1926) 96
[per — personalem] Lenel 1181 Pernice Labeo 2, 1, 292. 293 n 1 Guarneri Citati obbl indivis 1, 144 Kr Ciapessoni l c ⟨—⟩ Segrè l c
[personalem] ⟨in rem⟩ Betti lit aest 1, 31
[exceptione — *fin*] ⟨causa cadit⟩ Ciapessoni l c
[exceptione — repellitur] Guarneri Citati l c **ca** Pernice l c
[pro — dimidia] Segrè l c Naber Mnem 53 (1925) 45 Beseler l c
[quia — *fin*] Ferrini l c Guarneri Citati l c Segrè l c 249 n 1

86 pr [pignori] ⟨fiduciae⟩ Brinz Pand² 3, 312 n 9 **ca** HKrüger GrünhZ 21 (1894) 308

§ 1 [pp § 1] Segrè Stud Scialoja 1, 248 Rechnitz Julian 60
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86 § 1 Maevio ⟨per damnationem⟩ Schulz SZ 38 (1917) 154 Bes 4, 336 Levy l c
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[ab — heredibus] Bes Levy ll cc Kr Nov Suppl ⟨per vindicationem⟩ Schulz Bes Levy ll cc Pampaloni Mél Girard 2, 345
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§ 2 [Cum — nam] ⟨Servus per vindicationem legatus⟩ Beseler jur Min 71
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[non reppulerit] ⟨adgnoverit *sive* voluerit ad se pertinere⟩ Seckel s v velle **ca** Wlassak SZ 31 (1910) 222 n 2. 237 sq n 4
[ex die — hereditatis] Ferrini legati 393; Pand 832 n 2 **ca** Wlassak l c
⟨fuisse⟩ intellegetur Beseler l c
[secundum — *fin*] Pringsheim Festschr Lenel 250 Scaduto Ann Pal 8 (1921) 55
[per traditionem] ⟨mancipio⟩ Schloßmann GrünhZ 8 (1881) 443 n 11 Gradenwitz SZ 6 (1885) 59 Lenel 489 Kr Beseler l c
[deque — fuerunt] Beseler l c; SZ 45 (1925) 446

§ 3 [esset] ⟨est⟩; [quidem]; [esset] ⟨est⟩; [ceteri — *fin*] Bes 4, 146

§ 4 [*pp* § 4] Baviera Scr giur 1, 181 Bes 1, 104 Riccobono Tijdschrift 3 (1922) 349 n 2 Ciapessoni Stud Bonfante 3, 709 n 201
⟨nam⟩ licet [nam] edd Pampaloni Bull 22 (1910) 151 n 3 Cicala Stud Sen 31 (1915) 6 n 4 *alii* **ca** HKrüger Grünh Z 21 (1894) 306 n 23
[nam — *fin*] Albertario Riv It sc giur 50 (1911) 89; Stud Pavia 1 (1912) 33 cf Longo *infra* Perozzi Ist² 1, 799 n 3 Kr Suppl
[nam — et] Pampaloni l c **ca** Cicala l c
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[hac servitute] Kr
[servitute] ⟨obligatione⟩ Bes l c

87 [iustis rationibus] Pernice Labeo 3, 1, 69 n 2 Kr Bes 3, 53 Albertario Athenaeum Pavia 6 (1928) 175

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88 [*pp* 88] Schulz Gedächtnisschr Seckel 128 n 1
[et — *fin*] Gradenwitz SZ 7 (1886) 82 Lenel 104 Pernice Labeo 3, 1, 70 n Ferrini legati 200 n 2; Glück ital 1, 400 Kr VJR 1, 892, 38; 3, 197, 16; 4, 220, 14 Bes 2, 59 Schulz l c *alii*

89 *genuin* Rechnitz Julian 33. 35. 80
⟨idem⟩ ius Kr

90 pr [non dubie — *fin*] Beseler SZ 47 (1927) 361 Albertario Athenaeum Pavia 6 (1928)175
[non dubie — sed] Bes 3, 53
[circa — providentiam] Bes l c Kr Suppl
[nisi — *fin*] Gradenwitz Itpp 216 Ferrini legati 201 Kr VJR 1, 1006, 12; 4, 146, 35 Bes l c

§ 1 ⟨inter — voluntatis⟩ Mommsen jur Schr 2, 119; edd

91 § 1 [quidem] Rechnitz Julian 81. 92
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§ 2 [*pp* § 2] Rechnitz l c 83

§ 3 ʻemptorem pertinebitʼ *genuin* Rechnitz l c 75

§ 5 *genuin* Rechnitz l c 19

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[confestim — legaverat] Beseler l c
[et ideo — *fin*] Rechnitz l c
postea ⟨dies legati veniat quam⟩ Kr Wlassak l c

92 pr [Si — deberi] π Rechnitz Julian 39. 42
[restitui] gl Kr
[Marcellus — *fin*] gl Beseler Subsiciva 10

§ 1 [*pp* § 1] π Rechnitz l c

94 pr [nisi] ⟨quamvis⟩ Beseler SZ 47 (1927) 72

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§ 2 [sive enim — *fin*] Bes 4, 146 Kr Nov Suppl

§ 3 [is enim — *fin*] Rechnitz Julian 59

95 [*pp* 95] (?) Bes 3, 140

96 pr [*pp* pr] π Rechnitz Julian 74
[castris] ⟨Castoris⟩ edd
[eadem — manente] Pernice Labeo 3, 1, 28 n 1 Kr

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96 pr [et ideo — *fin*] Beseler SZ 45 (1925) 473

§ 1 [vacantia] Kniep Gai comment 2, 2, 284. 462 ⟨caduca⟩ (?) Scialoja dir ered 369
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§ 3 [oportet] ⟨debet⟩ (?) Rechnitz l c 98

§ 4 [nam — *fin*] Bes 2, 90

97 [necesse habebo] ⟨debebo⟩; [servum meum] gl Rechnitz Julian 93. 100

98 inscr [quinquagesimo] ⟨sexagesimo⟩ Lenel 760
[pp 98] Ratti Riv It sc giur 2 (1927) 41 n
⟨non⟩ recte Beseler SZ 45 (1925) 203 Ratti l c
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99 ⟨per vindicationem⟩ legatus Segrè Fil 13 (1888) 335

101 pr *genuin* Rechnitz Julian 47

§ 1 [et — decesserit]; [quamvis — *fin*] Ratti Riv It sc giur 2 (1927) 13

102 [pp 102] Rechnitz Julian 69

104 pr ⟨—⟩ HKrüger exc doli 1, 211 n
[quaeritur] ⟨quaerebatur⟩; [tota centum] ⟨deducta unius portione ceteras partes⟩ Beseler SZ 45 (1925) 446
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§ 2 ⟨non⟩ posse Ratti Riv It sc giur 2 (1927) 41 n
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[si — *fin*] Bes ll cc Ratti l c Kr Nov Suppl

§ 3 ⟨heredi⟩ ita; [heredi] Beseler SZ l c

§ 4 [si] ⟨unus ex heredibus⟩; [fuisset heres] ⟨heredi⟩; [et habere]; [dabit] ⟨—⟩ Beseler l c

§ 5 [exaequari partes] ⟨—⟩ Beseler l c

§ 6 ⟨—⟩ HKrüger l c
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105 [quam — suas]; debet ⟨—⟩ (?) Bes 3, 174

106 [aureos] Bremer iurispr antehadr 1, 183 Donatuti Bull 34 (1925) 201
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106 [constat] ⟨Servius respondit⟩ Bremer l c

107 pr [indemnes] ⟨se defensurum⟩; [praestari] Bes 2, 111

108 § 1 [pp § 1] Schulz SZ 38 (1917) 175
[manebit — mihi] Bes 4, 330 Kr Nov Suppl
[et maxime — etiam] ⟨perempta erit⟩ Bes l c
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[eam] donaveris; [invito me libereris — *fin*] ⟨—⟩ Bes l c
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§ 2 [pp § 2] Wlassak SZ 31 (1910) 226
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[qua — est] Segrè l c
[qua] ⟨in rem⟩ (?) Ascoli l c
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108 § 4 [nec — *fin*] Di Marzo Levy ll cc
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[restituam — *fin*] ⟨restituerem —⟩ Beseler SZ l c
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[quia — habiturus] ⟨non⟩ idem; [et — magis] Bes l c
[item — *fin*] Di Marzo Bull 15 (1903) 126 n 2 Kr Suppl
[quod — *fin*] Schulz Bes ll cc

§ 6 [Item]; [domino]; ⟨ei⟩ exstitero [qui — solvendo]; [iussus] ⟨damnas⟩ es-[ses]; [manebit] ⟨tolletur⟩; [maneret] ⟨tolleretur⟩ Bes l c

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§ 12 [$\overline{pp}$ § 12] Kübler SZ 39 (1918) 204 Boyé RH 5 (1926) 559
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§ 13 [a fratre] Bes 3, 174; SZ 45 (1925) 263 Kr Suppl
⟨non⟩ posse Bes 3, 174 Kr l c **ca** Beseler SZ l c
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[hoc — *fin*] Haymann Schenkung 154 n

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108 **§ 14** [Non — obstringatur]; [parum — acturum et] ⟨Titium si centum acceperit⟩ Beseler SZ l c

109 § 1 [$\overline{pp}$ § 1] Siber röm Priv R 359
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110 [$\overline{pp}$ 110] De Medio Bull 16 (1904) 79 (**ca** Segrè Stud Fadda 6, 344 n 2) Biondi iud b f 101 n 5; a^nes noxales 16 n
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112 pr [$\overline{pp}$ pr] Schulin röm RG 276 n 5 **ca** Baudi di Vesme Att Tor 1 (1865/66) 56 sq Segrè Arch giur 43 (1889) 200 n 1; 46 (1891) 266 n 1
[inutile — debeatur] Donatuti Bull 34 (1925) 203

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114 § 1 [debitam][2] ⟨dimidiam⟩[2] Lenel 132 Kr Suppl

§ 3 [duodecimo] ⟨vicesimo secundo⟩ Lenel l c Kr ⟨et⟩ ut edd
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§ 7 [et — *fin*] Bes 2, 24

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116 § 1 [semissem] ⟨dimidiam⟩ (?); [trientem] ⟨tertiam partem⟩ (?) Pampaloni Riv It sc giur 52 (1912) 151 n 11

119 *genuin* De Medio Bull 18 (1906) 295. 298
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119 [sed ne — fraudium] Albertario l c
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120 § 1 [§ 1] gl Beseler SZ 45 (1925) 222

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ED.

FRIEDRICH EBRARD

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3 inscr [quarto] ⟨nono⟩ Lenel 1168

3 *genuin* Savigny Syst 3, 133 n p
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27 cf Lenel 248

28 [Cum]; [utrum — retinere]; [vero] Bes 3, 140
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41 pr dimidiam ⟨et tertiam⟩ Ferrini legati 654
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⟨centum⟩ et; an [centum] ⟨quinquaginta⟩ edd
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50 § 1 inscr ⟨Paulus libro sexto ad legem Iuliam et Papiam⟩ Mommsen praef dig 70 n 9 edd Lenel 259; Paul 960 Bes (?) 3, 173

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53 pr [Cum — dari debeat] Kr Suppl
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54 [dignus] Kalb RJ 62 **ca** *Messina Vitrano liberalità e natura del legato 15 n 2 cf edd, Albertario Bull 31 (1921) 8
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55 § 1 [$\overline{pp}$ § 1] Rabel Grundz 533 Albertario Ann Perug 31 (1919) 47 n 1; Rend Lomb 59 (1926) 200 n 2
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FRIEDRICH EBRARD

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ED.

HANS KRELLER

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4 [primi — condicionale]; [enim] (?) Bes 2, 62
[et primi — *fin*] Beseler SZ 45 (1925) 474

7 [$\overline{pp}$ 7] Bremer iurispr antehadr 1, 68. 87 sq Eisele SZ 13 (1892) 141 Kr Ferrini Pand 524 n 2 Mitteis RPR 1, 196 sqq Roberti Stud Cagliari 5, 2 (1913) 40 n 1 Guarneri Citati

D de annuis legatis et fideicommissis 33, 1

7 obbl indivis 1, 77 n Bonfante Ist[8] 563 n 1
[nam ea — dare] (?) Pernice Labeo 3, 1, 29, 3 Kr
nec [obligationem] ⟨actionem⟩ Perozzi Ist[2] 2, 24 n 4
[nullam — si velis facere] (?) Pernice l c Perozzi l c
[nullam — sed] Riccobono communio 90
[aliter atque] ⟨item⟩; tuus ⟨non⟩; quoniam ⟨non⟩; actionem ⟨non⟩ Riccobono l c
[nam si non — competit] Pernice (?) l c Mitteis (?) l c 198 n 11 Haymann Schenkg 88 n 2
nullam [obligationem] ⟨actionem⟩ Perozzi l c
[nec — *fin*] Di Marzo Pompon 67. 68
[nec — iussit] Albertario Athenaeum Pavia 6 (1928) 176 sqq
[propter — iussit] (?) Eisele l c
[sive hoc — ut] ⟨si⟩ Albertario l c

D de annuis legatis et fideicommissis 33, 1

7 [et magis — videatur] Pernice (?) l c Albertario l c
[et in omnibus — *fin*] (?) Dernburg Pand^7 3, 158 n 3 Perozzi Ist^2 2, 547 n 4 Kr Suppl
[sed interventu — *fin*] Schulting-Smallenburg Notae adhl Kalb JL 79 n 6 Pernice l c et 175 Eisele l c Bonfante Ist^8 587 n 1
[iudicis] ⟨praetoris⟩ Rudorff Vorm 2, 252 n 12

9 [Paulus — *fin*] Bes 4, 65
[hoc — *fin*] HKrüger Stud Bonfante 2, 311
[ut — *fin*] Naber Mnem N S 38 (1910) 245 n 6 (?)

12 [neque — in rem] Longo Bull 11 (1898) 334 Kr Ferrini servitù 22
[sed]; [Lutatiana]; [et ideo — *fin*] Beseler SZ 45 (1925) 474

13 [ideoque — dirimenda est] Bes 3, 203 Pringsheim Festschr Lenel 239

14 [si minus — *fin*] Ferrini legati 247 sq Kr Albertario Mélanges Cornil 1, 7; Riv dir comm 24, 1 (1926) 18. 21 n 2; alimenti 40 n 1; arb b v n onerato di un fedecommesso 59 sqq Schulz SZ 48 (1928) 697

15 [$\overline{pp}$ 15] Brugi Glück ital 8, 361
[et perdituro — restituisset] Guarneri Citati Ann Perug 37 (1924) estr 36

16 [$\overline{pp}$ 16] Landucci Stud Serafini 414
[quidem] Bes 4, 149 Kr Nov Suppl
[interim — *fin*] Landucci l c n 7 Bes l c Kr l c

17 inscr [Labeo — epitomatorum] ⟨Iavolenus libro secundo ex posterioribus Labeonis⟩ Bluhme ZGRW 4 (1820) 321 n 41. 438

pr [$\overline{pp}$ pr] Erman SZ 14 (1893) 247 n 3
[putat — *fin*] ⟨putant⟩ Donatuti Bull 34 (1925) 222

§ 1 [$\overline{pp}$ § 1] Pernice Labeo 1, 72

18 pr [aetatis] gl (?) Gradenwitz Itpp 185 n 1 Lenel 43
[nisi — *fin*] Gradènwitz Itpp 184 Kr Seckel 368 s v nisi **ca** Samter SZ 27 (1906) 180

19 pr [cum ab — sunt] gl Samter SZ 27 (1906) 208 Bes 3, 63 cf Beseler SZ 45 (1925) 447 Kr Suppl
[nisi — *fin*] Gradenwitz Itpp 180 sqq Kr Samter l c Seckel 368 s v nisi Kniep Gai comment 3, 2, 70 n 4

§ 1 [secundum — *fin*] Gradenwitz Itpp 200 n 1

D de annuis legatis et fideicommissis 33, 1

19 § 1 [non secundum — essent] Bes 4, 149 Kr Nov Suppl
[secundum — *fin*] ⟨deberentur⟩ Beseler SZ 45 (1925) 447

§ 2 [non sunt] Bes 4, 149 Kr Nov Suppl ⟨essent⟩ Bes l c **ca** Grosso Riv Ital sc giur 4 (1929) 302 n 2
[sunt] ⟨sint⟩ (?) Grosso l c

21 § 1 [nisi — *fin*] Gradenwitz Itpp 179 Kr Seckel 368 s v nisi Samter SZ 27 (1906) 179. 195

§ 2 [ex qua — erat]; [restitueret] ⟨restituere deberet⟩; [quod infirmitati — voluerit] Bes 2, 79 cf Kr Suppl

§ 3 'certamina . . . celebrarentur' *genuin* Albertario Rend Lomb 55 (1922) 522 n 3
[quaesitum est] ⟨quaero⟩ (?); [rem publicam — solutae sunt]; [ab his — *fin*] Bes 4, 290 n

§ 4 [cum testamento — *fin*] Beseler SZ 45 (1925) 474
[nisi — *fin*] (?) Lenel 94

§ 5 [intellegitur — praeventus est] Gradenwitz Itpp 200 Lenel (?) 94
[intellegitur — sed] Kr cf VJR 5, 176, 1

22 [quotienscumque] (?) Bremer iurispr antehadr 1, 183

24 [id est centum] gl (?) Lenel 133

D de usu et usufructu et reditu et habitatione et operis per legatum vel fideicommissum datis 33, 2

rubr [$\overline{pp}$ rubr] Segrè Arch giur 99 (1928) 232 n 1

1 [$\overline{pp}$ 1] Scheurl Beitr 1, 244 n 8 Segrè Att Tor 65 (1929/30) 447 n 1
[servitus] ⟨fructus⟩ servitutis Perozzi Bull 6 (1894) 1 sqq; Ist^2 1, 790 n 3 Scialoja Bull l c 37 cf Guarneri Citati l'opera di Perozzi 16 n 2—4 Cuq manuel 326 n 9 Riccobono Tijdschrift 3 (1922) 351 n 1
[quia servitus — potest] Longo Bull 11 (1898) 315 sqq Ferrini Pand 492 n 5 Kr Arangio-Ruiz Ist^2 228 n
[nec erit — *fin*] Perozzi Ist^2 1, 789 n 2
[omnium] ⟨pecuniae⟩; [sint] ⟨cuiusque sit⟩ Pampaloni Bull 19 (1907) 98
[neque — bona] ⟨—⟩ Perozzi Bull 6 (1894) 36 Pampaloni l c 114 n 16
[sed — *fin*] Faber coni 19, 8
[$\overline{pp}$ sed — *fin*] Longo l c Riccobono l c
[incerti] (?) Segrè l c 434 n 1

D de usu et usufructu et reditu et habitatione etc 33, 2

1 [aut — *fin*] Pampaloni l c 115 Messina Vitrano legato d'usufrutto 75 sqq Bonfante corso 1, 123 n 2. 127 n 3; 6, 35 n 4. 121 n 4; Ist[8] 325 n 1; 334 n 2
[ex — causa] Cuiac 1, 79 B = Not Inst 2, 4, 3 n 8; 4, 432 E = Pap quaest 17 *ad* D 7, 4, 2, 1 Faber iur Pap 12, 2, 6 (750) Wissenbach embl 93 Savigny Syst 2, 80 n c Cohn Beitr 1, 2, 42 n 2 Desserteaux (?) capitis dem 2, 77 n 4

2 [$\overline{pp}$ 2] Siber röm Priv R 117 n 24
⟨in annos singulos⟩ Hominis operae ⟨sinendi modo⟩; transmittit: [sed] ⟨nec⟩ Pampaloni Riv It sc giur 52 (1912) 188
ʻquia — non est' *genuin* Pampaloni l c 177 n 3 (178)
[et quia — *fin*] (?) Segrè Arch giur 99 (1928) 232 n 1 (233 n) **ca** *genuin*? Bonfante corso 6, 121 n 2

7 ⟨in singulos annos⟩ Operae [ex (*sic!*) testamento] ⟨sinendi modo⟩ Pampaloni Riv It sc giur 52 (1912) 189

8 [$\overline{pp}$ 8] Fadda Att Nap 34 (1902) 53 sq; concetti dir ered 2, 183 Di Marzo Bull 14 (1901) 122 sqq Kr Suppl Mitteis RPR 377 n 5 Rabel Grundz 451 n 2 Pacchioni corso dir rom 2, 143 sq n 299 Arangio-Ruiz Stud Bonfante 1, 500 n 16
[quousque — *fin*] Bonfante Ist[8] 327 n 1
[unde — *fin*] HKrüger prät Serv 77 n 87

9 [vel — *fin*] Faber coni 4, 13

10 [$\overline{pp}$ 10] Rechnitz Julian 46
[et si — *fin*] π Rechnitz l c
[si vero — *fin*] Gradenwitz Itpp 195. 217

11 ab initio ⟨cuiusque⟩ anni deberi placet (*sic!*) ⟨cum sinendi modo legatur⟩ Pampaloni Riv It sc giur 52 (1912) 187

12 usus fructus ⟨per vindicationem⟩ (?); sed si ⟨per damnationem fuerit usus fructus legatus et⟩ antequam [usufructuarius prohibuerit] ⟨usum fructum in iure cesserit⟩ Riccobono Ann Pal 3/4 (1917) 506 sq

13 [aquae et] gl Kr

14 [si — voluit] Cuiac 2, 427 B = Paratitla Cod 6, 41; 7, 505 E = comm Dig 10, 2, 14; 7, 1113 A = comm Dig 31, 13; 7, 1349 D = comm Dig adhl; 10, 1074 A = Ad Dig 32, 20; 10, 1136 D = Ad Dig 32, 89 Lenel 153 Gradenwitz Itpp 209 Ferrini legati 182; Rend Lomb 33 (1900) 1220
[nam — praestaret] (?); [ideoque — *fin*] (?) Gradenwitz Itpp 209 Kr (?)
[nam — *fin*] Messina Vitrano legato d'usufrutto 107 Kr Suppl

15 § 1 [$\overline{pp}$ § 1] Ferrini Glück ital 30—32, 2, 78 Pacchioni corso dir rom 2, 462 sq n 853 Bonfante corso 2, 285 n 1
[secundum — defuncti] Riccobono Riv It sc giur 21 (1895) 397 sqq Ferrini Pand 496 n 2
[prius] (?); [non aliter — praestet] (?) Kalb RJ 19 n
[ut — *fin*] Riccobono l c Kr Bonfante Ist[8] 333 n 1
[ut — optinuerit] Ferrini l c Kohler Lehrb bürg R Sachenrecht 536
[sive donec — dum] gl ⟨dum ususfructus⟩ Lenel 161

16 [$\overline{pp}$ 16] Messina Vitrano modo illecito 224 sq Levy (?) Stud Bonfante 2, 280 n 13
ʻspectaculum . . . celebrari' *genuin* Albertario Rend Lomb 55 (1922) 522 n 3
[lucro — *fin*] (?) Bes 3, 108
[cum — *fin*] ⟨—⟩ Beseler SZ 47 (1927) 374

17 res publica ⟨—⟩ per Lenel 262; Mél Girard 2, 80 sq n 1 **ca** Schirmer Arch z Pr 84 (1895) 38 sqq Samter SZ 27 (1906) 185 sqq Lotmar SZ 31 (1910) 150 sq
[vel — testamento]; [et invits — adprehensa]; restituendos ⟨non⟩ esse; [et non — *fin*] Biondi compensazione 420 sq (estr 260 sq)

19 fructu lego ⟨—⟩ Lenel 77 *Messina Vitrano legato d'usufrutto 122 Albertario Stud Bonfante 1, 649
[interdum] Messina Vitrano l c 124 n 1 Kr Suppl Albertario l c
[quod interdum — *fin*] Bes 4, 149 Beseler SZ 43 (1923) 551

23 tantum ⟨non⟩ esse; [relegaretur] ⟨sinendi modo legaretur⟩ Pampaloni Riv It sc giur 52 (1912) 196 et n 13

24 pr [$\overline{pp}$ pr] Segrè Stud Scialoja 1, 243 n 1 VJR (?) 2, 410, 15

D de usu et usufructu et reditu et habitatione etc 33, 2

24 pr [quoque]; [post — consulto cautionem] ⟨non⟩; [cautionem interpositam] ⟨aditionem hereditatis⟩; in [cautionem] ⟨quadrantem⟩ Pampaloni Bull 19 (1907) 116 sqq **ca** Messina Vitrano legato d'usufrutto 82 Perozzi Ist^2 1, 789 n 2
[aut — *fin*] Ferrini Rend Lomb 33 (1900) 1223 Kr Cuq inst 2, 572 n 4 Coli legato 131

26 pr [in Italiam] ⟨Italicum⟩; [movet — possit] gl Beseler SZ 45 (1925) 474 cf Bes 3, 53
[sive fideicommissi] Pampaloni Mél Girard (1912) 340 Kr Suppl
[dies quidem — finietur] gl ⟨?⟩ Beseler SZ l c
[fideicommissi vel]; [rogatur sive] Pampaloni l c Kr Suppl
[sed his — *fin*] Albertario contr crit Dig 15 sqq Pampaloni l c Suman Fil 42 (1917) 237 Kr Suppl Beseler SZ l c

§ 1 [trientes] ⟨trinas⟩ (?); [semisses] ⟨binas partes⟩ (?) Pampaloni Riv It sc giur 52 (1912) 151 n 11

27 [concesserunt] ⟨in iure cesserunt⟩ Pernice Labeo 3, 1, 78 Kr

28 [et in — inducuntur]; [ideoque — *fin*] Beseler SZ 45 (1925) 474

29 [quod huic — est]; [iurisdictione — debet] ⟨doli exceptione fideicommissarium tuebitur⟩ Bes 3, 102 cf 4, 78

30 § 1 [agat — *fin*] Riccobono Bull 6 (1894) 139

31 ⟨per vindicationem⟩ legaverat Pampaloni Bull 22 (1910) 114
[quod — *fin*] (?) Pernice Labeo 1, 72

32 § 1 [legaverat] Messina Vitrano Ann Pal 3/4 (1917) 7 n 3

§ 6 [mente capti datae] gl Hotomanus opp 1, 2, 77 B = obs 3, 5
[nisi — *fin*] Gradenwitz Itpp 189 Lenel (?) 47 Seckel 368 s v nisi Albertario Stud Bonfante 1, 652 gl Solazzi furor vel dementia 12 cf n 2

§ 8 [heredis — *fin*] Rudorff ZRG 9 (1870) 308 n 33 Kr Suppl

§ 9 [si — elegerit] Pampaloni Bull 19 (1907) 128 n 19

34 § 1 [$\overline{pp}$ § 1] Solazzi Min età 29; curator impuberis 140 n 3; Rend Lomb 53 (1920) 376 Kr Suppl Bonfante corso 1, 508 n 1

D de usu et usufructu et reditu et habitatione etc 33, 2

36 pr [tempore statuto] ⟨biennio⟩ Gradenwitz SZ 7, 1 (1886) 54 Kr

37 omnium ⟨excepto calendario⟩ Pampaloni Bull 19 (1907) 122

38 [$\overline{pp}$ 38] Segrè Stud Scialoja 1, 243 n 1

40 [est] ⟨esse⟩ Bremer iurispr antehadr 1, 175

41 [quia — *fin*] Donatuti Bull 34 (1925) 211

42 [$\overline{pp}$ 42] (?) Pernice Labeo 1, 71

43 si [bonorum] ⟨rerum tertiae partis⟩; [at si — *fin*] Pampaloni Bull 19 (1907) 124 **ca** Messina Vitrano legato d'usufrutto 117 sq

D de servitute legata 33, 3

1 [$\overline{pp}$ 1] Riccobono Bull 8 (1895) 246

3 ⟨per vindicationem⟩ legasset Segrè Fil 13 (1888) 356
⟨?⟩ et hoc Wlassak SZ 31 (1910) 274 n 3
[quia alterius — *fin*] gl Segrè l c n 2

4 [$\overline{pp}$ 4] Bonfante corso 2, 2, 33 n 1 Perozzi Ist^2 1, 750 n 1
[duobus]; [ideoque — *fin*] Beseler SZ 45 (1925) 474
[in] ⟨pleno⟩ *vel* ⟨domini⟩ iure Riccobono communio 37 n 1
[itaque — *fin*] Riccobono l c 89

6 [$\overline{pp}$ 6] (?) Bes 3, 141 Bonfante corso 2, 1, 285 n 1

7 [quia et — *fin*] Pampaloni Mél Girard 2, 347 Kr Suppl Bes 4, 150

D de dote praelegata 33, 4

1 pr [$\overline{pp}$ pr] Bes 2, 44
relegatur ⟨ille ait et⟩ Beseler SZ 47 (1927) 68
[de dote] ⟨rei uxoriae⟩ Bes 2, 44 cf Kr

§ 1 [verum — *fin*] Bes l c
[ipsa — vel] Czyhlarz röm Dotalrecht (1870) 434 Lenel 2596 Dernburg Pand^7 3, 33 n 7. n 8 Kr

§ 2 [§ 2] Beseler SZ l c
annua ⟨bima trima⟩ Cuiac (?) 3, 179 B = observ 7, 20 Wissenbach embl 94 H Krüger Herstellg 157

§ 3 [$\overline{pp}$ § 3] (?) Albertario hodie 8 Kr Suppl
[hodie — *fin*] gl? ⟨?⟩ Bes 2, 101
[exactio] Kr ⟨deductio⟩ Cuiac 7, 1399 D = comm Dig adhl ⟨retentio⟩ Lenel 2598

D de dote praelegata 33, 4

1 § 4 [$\overline{pp}$ § 4] Dernburg Compens[2] 128 sq Schulz (?) SZ 34 (1913) 69 n 1 Albertario Ann Perug 31 (1919) 12 n 1 Beseler Stud Bonfante 2, 78 **ca** Riccobono Ann Pal 3/4 (1917) 415 Bonfante corso 1, 364 n 1. 3
[ipso iure] *bis* Biondi compensazione 288 sq (estr 128 sq)

§ 5 [dotis] ⟨rei uxoriae⟩; [scilicet — casibus]; ⟨non⟩ cesset Beseler SZ 47 (1927) 59 cf Kr

§ 7 [$\overline{pp}$ nam et — *fin*] Grosso Stud Bonfante 2, 207 n 47
[constat] (?) Seckel-Levy SZ 47 (1927) 127 n 2
[quia — *fin*] Mommsen Dig ed mai corpora ⟨demonstrata⟩ Lenel 2599

§ 8 [satis demonstratae] gl Schulz Einf 49 n 5 Donatuti Stud Perozzi 315. 322 **ca** Grosso l c 201 n 37

§ 9 [de dote] Kr ⟨rei uxoriae⟩ Lenel Celsus 173
[quippe — est] Bes 4, 215 Kr Nov Suppl Perozzi Ist[2] 1, 392 n 1
[utili] ⟨ficticia ex testamento⟩ (?) Lenel Ulp 2599

§ 10 [dotis] ⟨rei uxoriae⟩ Pellat dot 263

§ 12 [dotis] Kr
[ego — *fin*] Beseler SZ 47 (1927) 68

§ 15 ⟨?⟩ Ibidem Jörs Rechtsw 1, 13 n 2

2 pr [$\overline{pp}$ pr] Beseler SZ 45 (1925) 474
fidei[que] commissum; [relinquit — aestimabitur] ⟨—⟩ Beseler SZ 47 (1927) 68
[quod si — dubitet] Schulz SZ 34 (1913) 94 Kr Suppl **ca** Bonfante corso 1, 364 n 1. 3
[non dos sed]; [adhuc — amplius] ⟨—⟩; [etsi non — nam et] Beseler SZ 47 l c
[hoc — relictum] (?) Levy Konk 2, 1, 147 n 1
[igitur — et ideo] Beseler SZ 45 l c

§ 1 [salvo — potuit] Beseler SZ 47 l c

3 [$\overline{pp}$ 3] (?) Kalb JL 77 **ca** Kniep Gai comment 3, 2, 70 n 4

5 [$\overline{pp}$ 5] Riccobono Ann Pal 3/4 (1917) 371 n Kr Nov Suppl Beseler Subsiciva 11
[non] (?) H Krüger Herstellg 156
[vel — *fin*] Schulz SZ 34 (1913) 92 cf 59 n 1 Kr Suppl
[ipso iure] Biondi compensazione 288 sq (estr 128 sq) **ca** Riccobono l c Bonfante corso 1, 364 n 1—3

D de dote praelegata 33, 4

7 pr [de indemnitate]; matrimonio ⟨recte eum defendi⟩ (?) Bes 2, 115

§ 2 [dotis] Kr

§ 4 [sed — *fin*] Kipp SZ 42 (1921) 347 sq Kr Nov Suppl

§ 5 [§ 5] Beseler SZ 47 (1927) 369
[dotis] Kr
[nonne — *fin*] Donatuti Ann Perug 33 (1921) 396 Kr Nov Suppl

11 [nihil — sed]; ⟨ad⟩stipulatus Pernice *apud* Lenel 1501 Seckel 556 s v stipulari
[Lucium — convenire] Beseler SZ 45 (1925) 474
[non donationis causa] Pringsheim SZ 42 (1921) 306 cf Kr Nov Suppl
[est] ⟨esset⟩; [et ideo — esse] Beseler l c
[quod si — *fin*] Pringsheim l c
[in eum casum qui — exstitit]; [et ideo] fidei⟨que⟩; [in — *fin*] ⟨—⟩ Beseler l c

12 [$\overline{pp}$ 12] Scialoja Bull 14 (1901) 13 n 2

14 [ut — *fin*] Bes 4, 19 n Kr Nov Suppl

15 [nisi — *fin*] Gradenwitz Itpp 214 Kr Seckel 368 s v nisi

16 [$\overline{pp}$ 16] Albertario arb b v n onerato di un fedecommesso 51
acceperat et ⟨—⟩ Bes 2, 12; 3, 2 **ca** Mitteis SZ 33 (1912) 189 sq
[nisi — docuisset] Gradenwitz Itpp 185 sqq Kniep Gai comment 3, 2, 70 n 4 Kr Suppl Seckel 368 s v nisi **ca** Lenel 2067 Samter SZ 27 (1906) 180
[alias — *fin*] Bes ll cc **ca** Mitteis l c

17 pr [nisi — *fin*] Gradenwitz Itpp 185 Kr Seckel 368 s v nisi

D de optione vel electione legata 33, 5

rubr [$\overline{pp}$ rubr] Gradenwitz Bull 2 (1889) 5

2 pr [electio vel] Ciapessoni Stud Bonfante 3, 708 n 198

§ 1 [§ 1] Vassalli (?) Stud Cagliari 8 (1916) 8 n Ciapessoni l c

3 [hoc — degustationem] (?) Longo-Perozzi Glück ital 10, 211 n

4 ⟨?⟩ Ciapessoni Stud Bonfante 3, 708 n 198 (?)

6 [$\overline{pp}$ 6] Bes 3, 112 Beseler Subsiciva 11

7 [$\overline{pp}$ 7] Buckland slavery 20 Beseler Subsiciva 11

8 § 2 [$\overline{pp}$ § 2] Haymann SZ 41 (1920) 95 n 2
[humanius — *fin*] Lenel 482 HKrüger

D de optione vel electione legata 33, 5

8 § 2 SZ 19 (1898) 34 Ferrini Pand 138 n 5

§ 3 [$\overline{pp}$ § 3] Bes 1, 23. 26 Lenel Grünh Z 37 (1910) 546 Biondi (?) a^{nes} noxales 37 n 2
mihi ⟨per vindicationem⟩; sit [et]; exhibendum ⟨non⟩; [et] ⟨sed⟩; [agere]; [depositi agendo] Riccobono Scr Chironi 1, 386 n 1
sit, et ⟨heres extraneus possessionem rerum hereditariarum nondum nanctus est⟩; potero et ⟨post possessionem rerum hereditariarum ab herede adeptam⟩; [ut si — *fin*] Bossowski Actio ad exhibendum 41 (Rozprawy Akademja Krakovie 1929)
[agendo] ⟨agendi⟩; [eligendi] Siber Pass Leg 76

9 § 1 [sit]; [vel — esset]; [commodius constitui]; [secundum] (?); [vel — et] Bes 3, 161
[commodius — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 475

§ 2 [$\overline{pp}$ § 2] (?) Rechnitz Julian 87
[§ 2] ⟨—⟩ Beseler SZ l c
'nam sicut — accipit' *genuin* Beseler SZ 46 (1926) 89 n 1 (90 n)

10 [$\overline{pp}$ 10] Buckland slavery 148 n 7. n 9

11 [quoniam aditae — *fin*] Rechnitz Julian 52 cf 75

12 [servo — legato] ⟨? —⟩ Riccobono Bull 7 (1894) 255
generaliter ⟨per damnationem⟩; [si eis — est] Bes 3, 18 Vassalli misc crit 3, 29 n 2 Kr Suppl

14 [interim]; [servum — *fin*] Guarneri Citati Stud Bonfante 3, 454 n 59 (456) (?)
[ostenditur] ⟨fit⟩ Beseler SZ 43 (1922) 551 **ca** Perozzi Ist^2 1, 164 n 1

15 ⟨per vindicationem⟩ legavi Segrè Fil 13 (1888) 335 n 1. 344 sq; Stud Scialoja 1, 267 (?)

19 [$\overline{pp}$ 19] Glossa „placuit" adhl Wissenbach embl 95 Vassalli Riv It sc giur 56 (1915) 209 n 5 Riccobono SZ 43 (1922) 310 n 3
⟨non⟩ transmitti Hotomanus comm Inst 2, 20, 22 (23) (ed 2^a Lugduni 1567 p 249) Muretus *sec* Voorda (*v i*) Glück-Salkowski Pand 49, 17 n 32 Kr **ca** Voorda Interpret et emend 1, 9 p 30 Ferrini legati 273 n 1 De Francisci Bull 23 (1911) 273

20 [quoniam — *fin*] Bremer iurispr antehadr 2, 1, 193; 2, 2, 411

D de tritico vino vel oleo legato 33, 6

2 § 1 [ex — potes]; [aut — degustare] Bes 1, 42
velles ⟨per damnationem⟩; sint ⟨nec degustare tibi liceat⟩; agendo ⟨tantam pecuniam⟩; [ut — aut]; [interfuerit] ⟨intererit tua⟩; degustare. ⟨si idem per vindicationem tibi legatum sit⟩ Beseler Tijdschrift 8 (1928) 305 sq

3 pr ⟨ait⟩ Si Schulz Sab 56

§ 1 [immobiles] (?) Bonfante Scr giur 2, 253 cf corso 2, 1, 147. 186 n 1 **ca** Kübler Stud Bonfante 2, 348

4 ⟨per damnationem⟩ legatur Ciapessoni Stud Bonfante 3, 708 n 198
[non solet — ideo] Beseler SZ 45 (1925) 475

8 [$\overline{pp}$ 8] (?) Pernice Labeo^2 2, 1, 245 n 8 Perozzi Ist^2 2, 440 n 4
[periculose — sed] gl Ebrard SZ 47 (1927) 419
[periculose] ⟨impune (?)⟩ Riccobono Riv dir civ 3 (1911) 53 n 6 Guarneri Citati Ann Pal 11 (1924) 167 **ca** Rabel Grundz 483 cf Jörs röm PrivR 128 n 2
[sed — *fin*] (?) Guarneri Citati l c

9 pr [proprie — sensit]; [nisi — fuit] Donatuti Bull 34 (1925) 211 sq cf Suman Fil 42 (1917) 231 n 1
[id est — vinum] gl Lenel 2648
[nisi contraria sit mens] Donatuti Suman ll cc
[haec — *fin*] Donatuti l c

§ 2 [et est — *fin*] Kr Suppl Siber röm PrivR 434 n 14

10 inscr [secundo] *corr* ⟨quarto⟩ Lenel 71
[quod — *fin*] Lenel l c

13 [si — adversetur] Suman Fil 42 (1917) 237

15 inscr [epistularum] *corr* ⟨ex posterioribus Labeonis⟩ (?) Lenel 5
[id est — esset] (?) Bremer iurispr antehadr 2, 2, 114

16 inscr [Idem] *corr* ⟨Iavolenus⟩ Labitte Index legum omnium quae in Pandectis continentur etc. (Paris. 1557) fol. 40 PKrüger Quellen^2 168 n 51 Peters Leipz S Ber 65 (1913) 1, 78 **ca** Lenel Proc 34 HKrüger Herstellg 176 n 1

pr [tibi]; [omne] ⟨conditum⟩ Beseler Tijdschrift 8 (1928) 306

§ 1 [si — significetur]; [et — potiones] Beseler l c

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ED.

WOLFGANG KUNKEL

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DIGESTORUM LIBER XXXV

ED.

HUGO KRÜGER

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12 [$\overline{pp}$ 12] Marchi Bull 21 (1909) 10
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13 [pupillo vel]; [vel tutori] *vel* [vel furioso]; [curatori vel] (?) Solazzi Min età 125 n 2

14 [$\overline{pp}$ 14] (?) Ebrard Vierteljahrschr f Sozial- und Wirtschaftsgesch 19 (1926) 191

15 [nuptias — *fin*] Kübler SZ 11 (1890) 49 Braßloff Volksr (1902) 77 gl Levy Ehescheidung 69. 70 n 5 T Pringsheim (?) Gnomon 3 (1927) 520 Albertario Rend Lomb 62 (1929) 810 n 3; Stud Bonfante 1, 662 **ca** *genuin* Bonfante corso 1, 190 et nn 2. 3 Brasiello Arch giur 98 (1927) 245

16 [$\overline{pp}$ 16] (?) Frese SZ 43 (1922) 468 n 1

17 pr Demonstratio falsa ⟨pro non scripta⟩ Mo
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§ 4 [§ 4] Pernice Labeo 3, 17 Kr (?) et Suppl
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18 [18] Beseler SZ 47 (1927) 63 Bonfante Ist[8] 586 n 1
[$\overline{pp}$ 18] Levy SZ 24 (1903) 127 Kr Suppl Schaeffer Vermögensinteresse 97 n 2 ⟨?⟩ HKrüger Mél Girard 2, 31
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§ 1 [nisi — faceret condicionem] Bes 2, 28; 3, 141 Kr Suppl Rotondi Scr giur 3, 473
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21 [$\overline{pp}$ 21] Beseler SZ 44 (1924) 392
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22 [$\overline{pp}$ 22] HKrüger Mél Girard 2, 11 Beseler SZ 47 (1927) 63

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25 [non — condicio] (?) Rechnitz Julian 69

26 pr [viginti — aut] gl Lenel (?) 815 Messina Vitrano Ann Perug 33 (1921) 609
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27 [$\overline{pp}$ 27] Pernice Labeo 3, 46 n 4
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[1] *apud* Grosso *erratum* 'erraverit' *pro* 'emerit'

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27 [nullam vim habere] (?) VJR 4, 316, 2 [monumentum tamen — *fin*] Bes 3, 168; 4, 43 Perozzi Ist[2] 2, 548 n 4 [secundum — *fin*] Albertario Mél Cornil 1, 7
29 [$\overline{pp}$ 29] Beseler SZ 47 (1927) 65
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36 § 1 [$\overline{pp}$ § 1] Beseler SZ 47 (1927) 70 anno ⟨non⟩ Mo Appleton NRH 40 (1916) 47 **ca** Brassloff SZ 22 (1901) 187 [et verba — *fin*] Suman Fil 42 (1917) 238
37 [$\overline{pp}$ 37] Fadda concetti dir ered 1, 83 sqq Bonfante Ist[8] 623 n ⟨legatarius⟩ etsi Mo

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38 [$\overline{pp}$ 38] Bonfante Glück ital 29, 2, 12 n c [licet — fuere] Beseler SZ 43 (1922) 438
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46 [quia — *fin*] Bes 3, 30. 109 Kr Suppl
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52 'quod — potest' *genuin* Albertario arb b v n onerato di un fedecommesso 28 n 2 [poterit aliis verbis] ⟨poterat ita⟩; est ⟨quae⟩ Beseler SZ 45 (1925) 448
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54 § 1 centum ⟨per damnationem coniunctim⟩; [alteri — *fin*] ⟨in hereditate remanebit⟩ Guarneri Citati Ann Pal 1 (1916) 402. 407
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56 [$\overline{pp}$ 56] Guarneri Citati Ann Pal 1 (1916) 398 Beseler SZ 45 (1925) 475
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§ 1 [sicut — *fin*] gl Barbieri Fil 40 (1915) 7
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62 § 2 mulierem ⟨intra biennium *aliaque*⟩ HKrüger Mél Girard 2, 11. 26

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68 [et — scisset] Beseler SZ 45 (1925) 448
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72 pr [$\overline{pp}$ pr] Beseler SZ 45 (1925) 448; 47 (1927) 64
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§ 4 [$\overline{pp}$ § 4] Beseler SZ 45 (1925) 448

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§ 6 legato ⟨iure civili⟩; [quia — cohaeret] Beseler Stud Bonfante 2, 62
[sed — *fin*] Pernice Labeo 2, 1, 235 n 2 *i f*; 3, 75 n 1 Kr OFischer Jher Jb 71 (1922) 192; 76 (1926) 7 Schulz Gedächtnisschr Seckel 111. 129 Riccobono Mél Cornil 2, 355 n 2 Grosso Stud Bonfante 2, 212 n 57. 214. 216
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§ 8 Falsam [legati] demonstrationem ⟨irritum⟩; [scriptum reliquerit] ⟨scripsisset⟩ Beseler SZ 45 (1925) 448
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73 [$\overline{pp}$ 73] Bes 3, 63. 177 Kr Suppl Beseler SZ 45 (1925) 449; 47 (1927) 64
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74 [$\overline{pp}$ 74] HKrüger Mél Girard 2, 12
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77 § 1 [§ 1] gl Beseler SZ 47 (1927) 64

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§ 3 [impubere — constituta] Solazzi tutela 1, 24 n 3

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77 § 3 [videbuntur] ⟨videntur⟩ Bes 2, 101
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78 pr [iure communi]; condicio ⟨iure singulari⟩ Riccobono Mél Cornil 2, 344 *aliter* Mo

§ 1 [nec — *fin*] Pringsheim Festschr Lenel 240

79 pr [non potest — *fin*] Siber SZ 48 (1928) 763 n 2

§ 1 [dies — *fin*] gl Beseler SZ 45 (1925) 449

§ 2 [si — fecerit]; ⟨de⟩ hoc Beseler SZ 47 (1927) 64

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82 [*initium*] Beseler SZ 45 (1925) 475
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83 [$\overline{pp}$ 83] Beseler SZ 45 (1925) 475

84 [$\overline{pp}$ 84] Beseler Subsiciva 11

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86 § 1 [nisi — *fin*] Albertario Fil 36 (1911) 815 Kr Suppl

89 [$\overline{pp}$ 89] ⟨—⟩ Beseler SZ 47 (1927) 375
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90 [cui — Antonini] Di Marzo b f contr 5 n 3 **ca** *genuin* Bes 2, 64

92 [$\overline{pp}$ 92] Perozzi Ist[2] 1, 457 n 4 Solazzi Arch giur 86 (1921) 178. 185 **ca** *genuin* Bonfante corso 1, 65
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93 [curatores] ⟨tutores⟩ Lenel 606 Solazzi Min età 179 n 5; Arch giur 86 (1921) 179 Bonfante corso 1, 489 n 6
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94 pr [sane — *fin*] ⟨—⟩ Beseler SZ 47 (1927) 359
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§ 1 [at — *fin*] Beseler l c

95 [si — cohaereat] ⟨non⟩ Beseler Stud Bonfante 2, 62

96 pr [$\overline{pp}$ pr] Beseler SZ 45 (1925) 449

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97 eos ⟨?⟩ Kniep soc publ 275
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100 [ducenta — *fin*] ⟨trecenta petere potest⟩ Beseler SZ 47 (1927) 64
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101 pr [$\overline{pp}$ pr] Beseler SZ 47 (1927) 61 **ca** Balogh Stud Bonfante 4, 669 n 175
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102 [defecisse — *fin*] Albertario l c

103 inscr [quarto] ⟨nono⟩ (?) Lenel 1393
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105 [*pp* 105] Vassalli Bull 27 (1914) 198 sq
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[quae — *fin*] ⟨—⟩ Beseler SZ 45 (1925) 450
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106 inscr [vicesimo] ⟨tricesimo⟩ Lenel 518; EP[3] 350 n 12 (§ 150)
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112 § 1 vivet ⟨Titius centum ei⟩; praestitisset ⟨iure fundum vindicabit⟩ Guarneri Citati Ann Pal 1 (1916) 404
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§ 1 [propter quam — *fin*] Bes 3, 18 Kr Suppl (?) Beseler SZ 45 (1925) 209

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§ 8 [*pp* § 8] Marchi Bull 21 (1909) 79
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[cum — iuris] ⟨nam⟩ (?) Bes l c
§ 6 [$\overline{pp}$ § 6] Bes 4, 182. 237 Beseler SZ 47 (1927) 72 Pringsheim Festschr Lenel 241 **ca** Kübler SZ 42 (1921) 527 sq
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[idem patiatur] *corr* ⟨id patitur⟩ Huschke ZfZuPr NF 6 (1849) 409
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§ 7 [$\overline{pp}$ § 7] Beseler SZ l c
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11 § 8 substitu⟨er⟩it; [necessario — *fin*] ⟨legata a substituto relicta non valebunt⟩ Beseler SZ l c
12 [sine — *fin*] Vassalli Bull 26 (1913) 84 n 1
14 § 2 [non]; [si] ⟨quamvis⟩ Beseler SZ 47 (1927) 72
§ 3 [et — sed]; [tantum] Beseler SZ l c portion[em]⟨is⟩ Hal Kr Beseler l c
15 § 1 *genuin* Biondi compensazione 447 n 1 (estr 287 n 1)
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§ 3 [plane — compensabuntur] Biondi l c 453. 456 (estr 293. 296)
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18 pr [$\overline{pp}$ pr] ⟨—⟩ Beseler SZ 47 (1927) 376
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§ 1 [tenetur] *corr* ⟨retinetur⟩; [nam] *corr* ⟨nomine⟩ Huschke ZfZuPr NF 7 (1850) 205
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§ 1 [$\overline{pp}$ § 1] Voorda Ad legem Falcidiam commentarius (Harlingae 1730) 220 sq et nn Bes 4, 216 (cf Kr Nov Suppl)
[sed ut — deducetur] Mo
'sed ut — deducetur' *in* § 2 *i f transfert* Lenel l c
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§ 2 [prorsus — recipiatur] Bes 1, 51 *π* Pringsheim l c 231
[quod enim — *fin*] gl *neque suo loco positum putat* Mo

§ 5 [incertae — recipiunt] Pringsheim l c

§ 6 [§ 6] *neque suo loco positum putat* Mo
[pro — parte] (?) VJR 4, 314, 6
[non magis] gl (?) VJR l c 250, 5
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§ 7 [$\overline{pp}$ § 7] Beseler Stud Bonfante 2, 79
[ab eo — est] ⟨ab eis quibus certas res restituere rogatus est⟩ Faber coni 6, 3
'cui hereditatem' *genuin* Vangerow Pand [7] 2, 484
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[et recipere hereditatem] gl Faber coni 6, 3 **ca** Vangerow l c
[sed id — *fin*] Faber error 26, 2

§ 8 [quae in die certa] ⟨quae cum libertate⟩ Mo

32 pr [$\overline{pp}$ pr] (?) Vassalli Bull 27 (1914) 256 n 1
[etenim — transit] Perozzi obbl 140 n Arangio-Ruiz genti 38 = Annuario Messina 1914 p 47 Albertario Rend Lomb 59 (1926) 560 n 1
[debere] ⟨deberi⟩ Mo

§ 2 [$\overline{pp}$ § 2] Beseler SZ 46 (1926) 96
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32 § 4 [$\overline{pp}$ § 4] Segrè Stud Bonfante 3, 569 n 184
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[nec — *fin*] Seckel(?) s v exprimere 3; s v favor Kr Albertario ll cc HKrüger l c 193 n 6
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[sententias exprimit] (?) VJR 5, 347, 22

34 [vel legatarii] HKrüger SZ 48 (1928) 184 n 5

36 § 3 retinendam ⟨Scaevola ait⟩ (?) Lenel 866

§ 4 [$\overline{pp}$ § 4] Vassalli Bull 26 (1913) 64; 27 (1914) 267
[numquid — deficere] Pampaloni Bull 21 (1909) 197 Kr Suppl
admittenda ⟨non⟩ Vassalli ll cc Kr Suppl
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[coeperit] ⟨cessaverit⟩ Kr
[legatarius] ⟨heres⟩ Vassalli ll cc Kr Suppl
[heres] gl ? Lenel 866

41 [$\overline{pp}$ 41] Messina Vitrano Bull 20 (1908) 236 n 1
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§ 1 [$\overline{pp}$ § 1] Vassalli Bull 26 (1913) 71 sqq
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45 § 1 [cautionibus — *fin*] Pernice (?) Labeo 2, 1, 292 n 1 Kr Pampaloni Bull 21 (1909) 183 n 11
[melius — *fin*] Pringsheim Festschr Lenel 219

47 § 1 [licet — hereditas] Siber röm Priv R 361 n 38

48 *genuin* Scherillo Bull 36 (1928) 69 n 2
[deducere vel] (?) VJR 1, 298, 21. 42
[et — *fin*] Albertario Bull 33 (1923) 74

53 *genuin* Vassalli Bull 26 (1913) 68

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§ 2 [augetur — *fin*] ⟨et puto idem dicendum esse⟩ Beseler Tijdschrift 8 (1928) 324
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§ 3 [aut — *fin*] Mo 'aut — *fin*' *suo loco mota esse* Lenel 242

§ 5 [§ 5] Bes 4, 152 *Cugia don mort c 17 Kr Nov Suppl

57 [et — *fin*] Beseler SZ 47 (1927) 68

58 [post longum tempus] (?) Riccobono SZ 47 (1927) 89 n 5

61 vera ⟨erat⟩ Huschke ZfZuPr NF 4 (1847) 299
[quia — debet] (?) Kunkel SZ 45 (1925) 323
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62 inscr [primo] ⟨quarto⟩ (?) Kr
[In lege Falcidia] Heineccius ad l Jul et PP 2, 1, 2 p 106
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64 [Falcidiam] ⟨Papiam⟩ Heineccius ad l Jul et PP 3, 6, 3 p 409 Kr Lenel (?) 2032 *genuin* Vangerow Pand [7] 2, 494

65 [Falcidiam eum] ⟨legem Papiam hoc legatum⟩ Heineccius ad l Jul et PP 3, 8, 7 p 428

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65 [et — *fin*] Bes 3, 153 Kr Nov Suppl

66 pr [Circa — Falcidiam]; quantitatem [decem] Bes 3, 54

68 pr [Falcidia] ⟨vicesima⟩ Cuiac (?) 3, 235 C = observ 9, 24 Lenel 49 Bremer iurispr antehadr 1, 353 Kr
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[solitum — *fin*] Faber error 9, 10 (cf De Medio Bull 13 (1901) 233) ca Messina Vitrano l c 63 n

§ 1 [Falcidiam] ⟨vicesimam⟩ Cuiac (?) l c Lenel l c Kr

69 [omnibus rebus] ⟨bonis⟩; deducendum est ⟨ut omnimodo quadrans integer apud heredem maneat⟩ Pampaloni Bull 19 (1907) 124

70 [pp 70] De Francisci Bull 27 (1914) 22 n 2 Bonfante (?) corso 6, 155
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71 inscr [secundo] ⟨tertio⟩ Lenel 511; EP [3] 299 n 3 (§ 110/111)

73 pr [pr] Bes 3, 66 Bonfante Ist [8] 632 n 1
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§ 1 [§ 1] Huvelin furtum 1, 753 n 1
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[quo — *fin*] Pampaloni l c Kr Suppl

§ 3 [pp § 3] Vassalli Stud Cagliari l c
[Cuius — necessaria] ⟨Idem dicendum⟩; [exsistente] ⟨pendente⟩ Pampaloni l c cf Kr Suppl

§ 5 [pp § 5] Ebrard SZ 38 (1917) 330 n 8

76 § 1 [pp § 1] Beseler SZ 45 (1925) 476

77 [In — ideo] Beseler SZ 45 (1925) 476

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78 [$\overline{pp}$ 78] Vassalli Bull 26 (1913) 86 n 2
[quia ea] ⟨quae⟩ Huschke ZfZuPr NF 7 (1850) 202
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79 [$\overline{pp}$ 79] Bes 3, 168

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[sed potest — *fin*] Kr (?) Seckel (?) s v remedium 2 Bonfante Arch giur 85 (1921) 146; Ist[8] 370 n 2; SZ 47 (1927) 552 Levy Konk 2, 1, 239 n 6
[exceptione doli mali] Steinwenter RE 24, 2348, 59 s v Lex Falcidia

82 [$\overline{pp}$ 82] Bes 3, 138; 4, 216 Beseler SZ 45 (1925) 476 Vassalli Bull 26 (1913) 76 sqq Biondi compensazione 444 (estr 284)
[residui — distrahi potest] Pampaloni Bull 21 (1909) 193
[dumtaxat usque ad centum] gl Voorda Ad legem Falcidiam commentarius (Harlingae 1730) 306 n b Lenel 144 Kr
[de residuis — repraesentatur] Pampaloni l c
[et nos probamus] Bes (?) 2, 5 VJR (?) 4, 264, 45 ⟨non probatur⟩ Pampaloni Arch giur 55 (1895) 509 n; Bull l c Kr

83 [aditae hereditatis] ⟨mortis⟩ Vassalli Bull 26 (1913) 81 n 2

84 *locum ad fiduciam spectare censet* Lenel SZ 3 (1882) 178 **ca** Oertmann fiduc 27
[$\overline{pp}$ 84] Beseler SZ 47 (1927) 369
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85 [$\overline{pp}$ 85] Beseler SZ 47 (1927) 376 Rechnitz Julian 91

86 [$\overline{pp}$ 86] Rechnitz Julian 75. 78 Beseler SZ 49 (1929) 157
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87 § 1 [nam — *fin*] gl Rechnitz Julian 88

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§ 4 [$\overline{pp}$ § 4] Rechnitz l c 60 Beseler SZ l c 73
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[efficerent] ⟨effecerunt⟩ Huschke ZfZu Pr NF 7 (1850) 196
[sed hoc ita — *fin*] gl *vel* ⟨Paulus notat⟩ sed hoc Costa Bull 6 (1893/94) 313 sqq. 315

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87 § 4 [qui nihil — *fin*] Bes l c
[necesse habuit] HKrüger *apud* Kroll Zur Gaiusfrage (diss Münster 1917) 8 Rechnitz l c 100

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[poterit — agendum] ⟨non perinde erit⟩; [semper — *fin*] ⟨—⟩ Beseler l c 74

§ 6 [deinde — *fin*] Beseler l c

§ 7 [§ 7] π Rechnitz l c 46. 89
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§ 8 [§ 8] π Rechnitz l c 69
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88 pr [dignum — aureis] Eisele SZ 30 (1909) 132 Kr

§ 1 [ergo per — *fin*] (?) Pernice Labeo 2, 1, 292 n 3 Kr De Medio Arch giur 68 (1902) 228 Bes 2, 19

§ 3 [$\overline{pp}$ § 3] Pampaloni Bull 21 (1909) 187 Biondi compensazione 456 n 5 (estr 296 n 5)
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[secundum quod] Bes 2, 23
[septem partibus] (?) VJR 5, 363, 22

91 [vel implendae — causa] Mo
[nam — imputantur] Beseler Stud Bonfante 2, 79
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constituit. [sed et quod — sciendum est *ins* F[2]] gl Vangerow Pand[7] 2, 488 sq
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[et ideo — *fin*] Beseler SZ 45 (1925) 476

94 [si modo — suppleant] *Mancaleoni compensatio 35 Kr Seckel (?) s v supplere Bonfante Ist[8] 633 n 1

95 pr [extra dotem constitutas] Castelli Scr giur 64. 66 Kr Suppl Perozzi Ist[2] 1, 407 n 5
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1 § 2 [et heredi eius]; [ipsi] Mo
§ 3 [pp § 3] Bes 4, 183; Beseler SZ 47 (1927) 74
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§ 5 [§ 5] Bes l c Albertario Bull 25 (1912) 246
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§ 11 [pp § 11] Bes 3, 72; 4, 216 Vassalli Bull 26 (1913) 60; 27 (1914) 255
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[etenim — revocare] gl Suman saggi 32
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§ 1 [fideiussorum] ⟨sponsorum⟩ Lenel 1714
§ 5 [licet — perceperint] Pflüger Festg PKrüger 51
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3 § 10 [pp § 10] Pernice (?) Labeo 2, 2, 1, 104 n 3 Perozzi Ist[2] 2, 363 n 2 Betti Bull 28 (1915) 75
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5 [sufficiet] ⟨sufficiat⟩ Lenel 234
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